

**Possessing the West: The Public Management of the Western Division of
New South Wales, 1880s to 1930s.**

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This thesis is my original work except where otherwise acknowledged in the text.

A handwritten signature in black ink, appearing to read 'Michael Quinn', with a stylized, cursive script.

Michael Quinn

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ABSTRACT

I explain how the Crown lands of the Western Division of New South Wales were managed by the people and Government and why they were managed as they were between the 1880s and the 1930s. In 1884 the Division, marginal even for pastoral production, was delineated as a place needing special management. By 1900 economic and environmental collapse threatened pastoralism, settlement and progress. The Government of New South Wales, in a widely supported response, appointed the 'Western Land Board' to oversee the management of the Western Division. It so ensured that pastoralism on the 'public estate' remained a cooperative endeavour between Government and pastoralist. Both retained strong proprietary interests in the land and stringent conditions were applied to pastoral leases. But the problems confronted in 1900 recurred in the 1930s. This early and committed attempt to regulate landuse to protect environmental as well as other resources deserves a prominent, if not defining, place in Australian environmental history. The question has contemporary relevance. Many problems of pastoralism confronted in 1901 recur.

The thesis explains how pastoralism came into conflict with the environment of the Western Division and the origin and form of the new regime of public management introduced in 1901 to overcome this conflict. I explain the role of this management in the landuse of the Division from 1901 to the 1930s. The factors that defined the form of management are analysed. I show an historical narrative to be an appropriate way to conduct the study.

I argue that managing the Western Division as the unique place recognised in 1901 could not be sustained. Crisis over, strong government involvement in landuse evaporated. It was incompatible with ideas of the rights of possession shared by pastoralists and the Government. (The promotion of closer settlement was, though, legitimate – it spread the benefits of possession.) The leasehold tenure in the Western Division came to more closely approximate freehold through the unstated consent of Government and pastoralist. The place of the Western Division in New South Wales changed. The public management of the West quickly mirrored the management of landuse elsewhere in the State. The West, as the public estate, was property in which all had an interest. Time in the Western Division was not the same as time in New South Wales. The temporal variability of the climate and vegetation of the West were known, but could not be incorporated into the management of the West in the long-term. I argue that knowledge of the relationship between pastoralism and the environment of the West was not an important constraint on its management.

The Western Division was a place apart, but located within the confines of the society and expectations as well as the borders of New South Wales. The expectations of the West and its management were imposed from the outside. Much of Australia may remain of a different place and time to many of its inhabitants and their society.

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ABBREVIATIONS

ANU NBAC	Australian National University Noel Butlin Archives Centre.
GANSW	Graziers' Association of New South Wales.
LAVP	Legislative Assembly Votes and Proceedings.
MLA	Member of the Legislative Assembly.
NSW PD	New South Wales Parliamentary Debates.
NSW PP	New South Wales Parliamentary Papers.
RCCCT	Royal Commission into the Condition of the Crown Tenants.
SANSW	State Archives of New South Wales.
SA PP	South Australia Parliamentary Papers.
WLC	Western Lands Commission.
d	Penny.
s	Shilling.

CONVERSIONS

Currency

1 shilling = 12 pence.

20 pence = 1 pound.

Length

1 inch = 2.54 centimetres

1 foot = 30.5 centimetres

1 yard = 0.914 metres

1 mile = 1.61 kilometres

Area

1 acre = 0.405 hectares

1 square mile = 640 acres

1 square mile = 2.59 square kilometres

Weight

1 pound = 454 grams

1 bushel was equivalent to 60 pounds of wheat.

A NOTE ON REFERENCES

I have used the Harvard system of referencing for published sources with a clear author. Footnotes have been used for government reports and records, unpublished sources, and newspapers and journals. References are listed on page 261 and other sources on page 275. 'Ibid.' has been used in footnotes only where the citation is entirely the same as that above, or when only the page number differs. Short titles have been used in footnotes. They are introduced for the first time in inverted commas and within parentheses, and subsequently appear in inverted commas.

The first reference to archive documents in footnotes is to the archive at which they are held. This is either the State Archive of New South Wales (SANSW) or the Australian National University Noel Butlin Archives Centre (ANU NBAC). The next reference is to the holding in the archive, for example the Western Lands Commission (WLC). The following reference is to the name of the deposit in that holding. This is given in italics. The subsequent reference is the archive's location number. Any following references are file and paper numbers given by the organisation whose papers are archived, from the general to the particular. The last reference is always to the item in question. Where short titles are used for archive references, the name of the deposit (in italics) is always included.

A complex reference is:

"SANSW, WLC, *Pastoral Lease Files c. 1890-1901*, 10/43877, Wangaron Papers - Lease 142 (*Pastoral Lease Files c. 1890-1901*, Wangaron Papers'), 97/4921 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Matthew Beven, 1/4/1897."

This refers to evidence in a decision of the Local Land Board, within the file 97/4921 of the Occupation Branch, Department of Lands. The file is within the papers of the Wangaron lease. The archive's location number for these papers is 10/43877 in the deposit called *Pastoral Lease Files c. 1890-1901* within the holdings of the Western Lands Commission held in the State Archives of New South Wales.

The short title subsequently used is in parentheses.

In some of the deposits used (particularly the *Correspondence* of the Western Lands Commission) it is not always clear what file a given paper belongs to; some have been disrupted. The reference given is as complete as possible.

CHAPTER ONE

THE PROBLEM OF THE WEST

1.1 PROLOGUE

In 1884 a boundary was inscribed which divided, and still divides, the western third of New South Wales from the rest of the State. The boundary reflected a recognition that the semi-arid and arid environment of what was to be known as the 'Western Division' demanded different conditions of occupation. The location of the Western Division and the most important places mentioned in the study are shown in Figure 1.1. Very extensive pastoral holdings had developed in the Division by the mid nineteenth century that were inconsistent with the widely held view that favoured more intensive landuse. The Crown Lands Act, 1884, ensured that the Western Division would be occupied under lease from the Crown, preventing most further alienation of its land. In this way the Government kept the capacity to promote closer settlement and ensured that it would accrue any increase in land values caused by such intensification. Under the leasehold tenure the Government maintained strong proprietary interests in the land alongside its lessees. The relative proprietary rights of lessees and the State in the land of the Western Division were formalised in the leases of pastoralists under the Crown lands statutes. The Government of New South Wales was to have a central role in the management of the marginal Western Division.

In 1900, drought and financial and environmental disaster in the pastoral industry of the Western Division led to the appointment by the State Parliament of the Royal Commission into the Condition of the Crown Tenants. The Western Division had challenged European attempts to overcome nature, settle and prosper. Pastoralism had failed spectacularly to fulfil the interests of either the State or pastoralists. The future of occupation in the West was seen to be threatened. It was widely perceived that attempts to develop pastoralism in the 1880s and 1890s had failed largely because of high debts and associated overstocking and the extensive and severe degradation of the environment. The failure of pastoralism in the Division was so complete that the Commission recommended the imposition of perhaps the most stringent large-scale regulations on rural landuse in New South Wales since European occupation. Nevertheless they were accepted with little dissent by the Parliament, by individual and corporate pastoralists, and by their financial institutions. The principal recommendations were legislated in the Western Lands Act, 1901. The leasehold system of tenure was retained although leases were extended and rents reduced. A semi-autonomous government instrumentality, the Western Land Board, was established with wide powers over the management of the Western Division. This Act, though much amended, still regulates landuse in the Western Division.

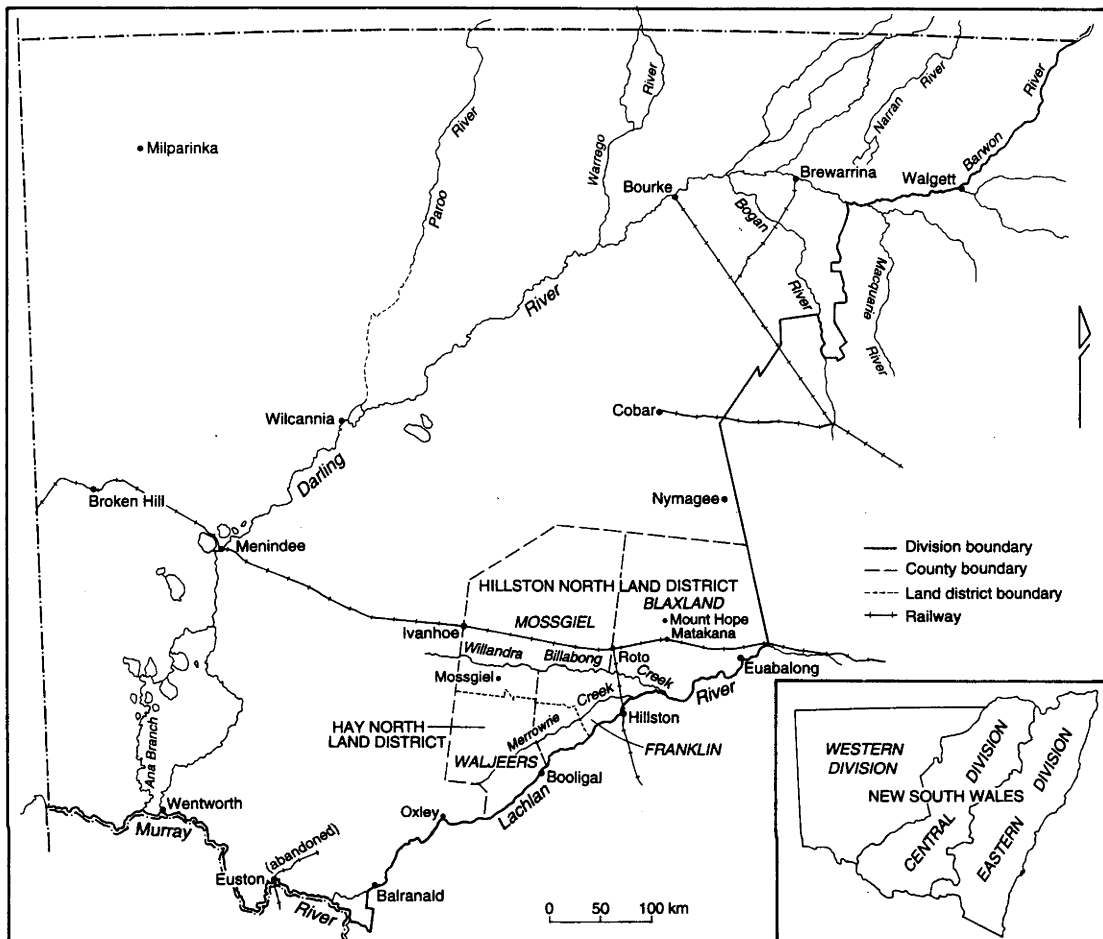


Figure 1.1 The Western Division of New South Wales, showing the Hillston North and Hay North Land Districts.

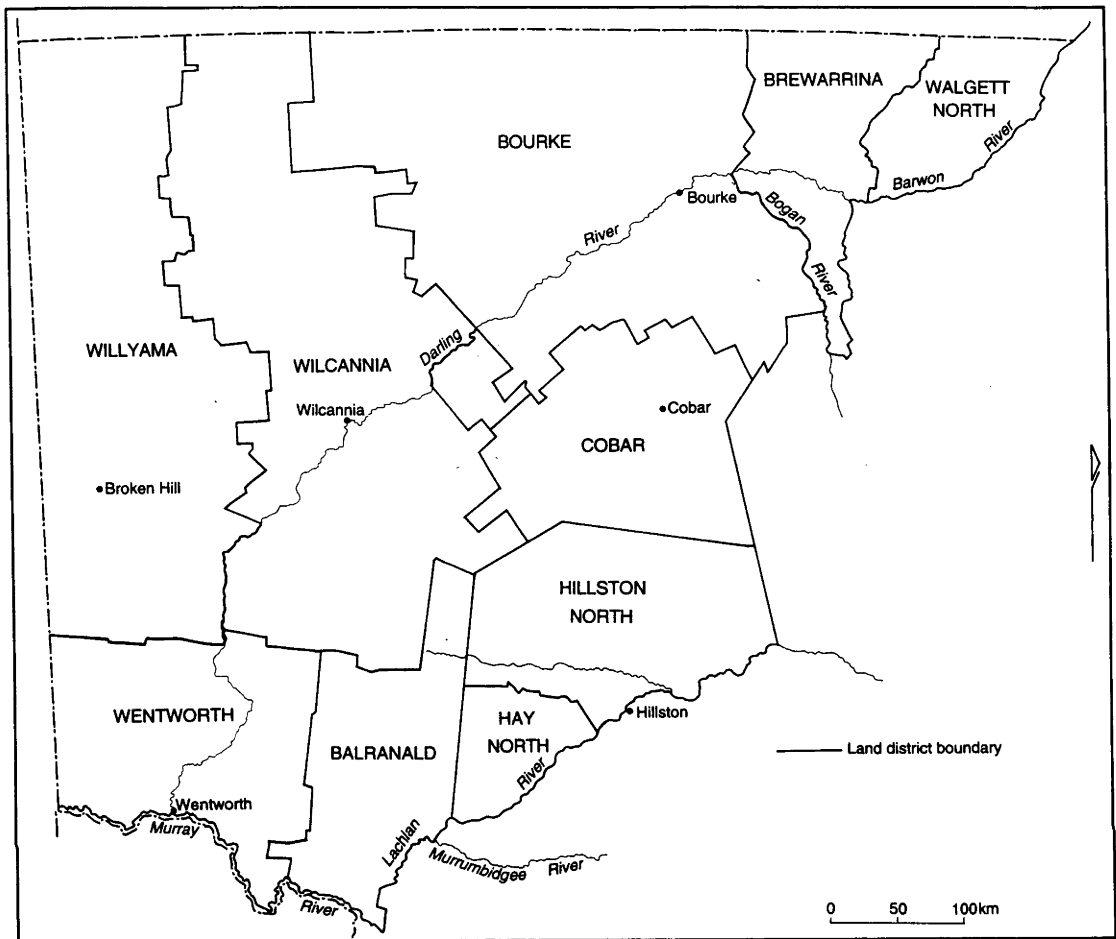


Figure 1.2 The Land Districts of the Western Division (Central Mapping Authority 1984).

Confronted with the potential collapse of pastoralism in the Western Division, the Government had strongly asserted its rights over land management. Greater government participation in landuse was accepted, even encouraged, in this crisis by pastoralists themselves. The Royal Commission was part of a process of renegotiating the relationship between pastoralists and the State of New South Wales. The new relationship was formalised in the Western Lands Act of 1901 and leases issued under the Act which specified the new interests and proprietary rights of the State and pastoralists in the land. The Western Land Board was created to oversee the relationship between the proprietary interests of pastoralist and the Government. But the Western Land Board was more than a broker. It had limited power to negotiate formally and informally with the wider Government and with pastoralists and redefine the rights of each party. The Board was to enable the profitable pursuit of pastoralism by ensuring the appropriate administration of lease conditions. It was to ensure that the physical environment of the Western Division, which had suffered great degradation, was managed to maintain future productivity. The Board was also to promote the State objective of further settlement. Thus by 1901 the State had intervened to revive and increase the efficiency of pastoralism and to increase equity by retaining control over the land for future intensification of settlement.

In the 1930s, there was another crisis in pastoralism in the West. Depression, drought, and more evidence of severe environmental degradation again forced the Parliament of New South Wales to confront many of the same difficulties identified thirty years earlier. It had become clear that there had been a failure to maintain the relationship between the land, lessees and government envisaged in 1901. Measures to ensure the protection of the physical environment had lapsed. Measures to increase settlement had been of limited success. The public management of the Western Division had largely failed on its own terms. Again the proprietary rights of the State and lessees were renegotiated and legislated.

Pastoralism in the Western Division was, and remains, an enterprise of the New South Wales Government as well as of individuals and corporations. Over the great majority of the Western Division the rights of private ownership of the land have never been conferred. The Western Division has remained almost entirely Crown land, leased to pastoralists and others at the discretion of the State. In the Western Division the Government objective of fostering a strong and enduring privately based economic activity was frustrated by the marginality of the land. State governments have played an important part in managing pastoralism throughout semi-arid and arid Australia. Over the course of the twentieth century, as hopes for the more intensive and profitable settlement of the West have faded, leases have been used more to attempt to regulate pastoralism to preserve its nature conservation as well as grazing values. The Government's use of leases has reflected changing social values. The pastoralists of the Western Division have been Crown tenants in more than formal title.

The continuing incapacity to conduct pastoralism in semi-arid and arid Australia without environmental degradation and periodic economic and social disruption makes is a contemporary as well as historical problem. The *Report of the Royal Commission into the Condition of the Crown Tenants* of 1901 has become a

prominent document in Australian history because of its clear understanding and articulation of the devastating environmental consequences of pastoralism at the time. The partial collapse of pastoralism in the West is recognised as a defining event in the environmental history of New South Wales and Australia. The fate of the commitment and effort to overcome this collapse and to make pastoralism better accord with the environment of the Western Division deserves as central a place. The settlement of the Western Division began along the major rivers from about the 1840s. The glaring shortcomings of the prevailing systems of exploitation prompted wide debate in New South Wales at least from the 1880s and significant reform by 1901. The settlers and administrators of this marginal country have had about 150 years to confront some of the questions asked by contemporary society about the reconciliation of our system of pastoralism with its physical environment. These questions are particularly pertinent at a time when landuse in Australia, particularly in the rangelands, is being increasingly critically examined. Financial difficulties are still often faced by the industry, and there is growing concern over the long term environmental damage it has sometimes caused. Some key issues have recurred through much of the pastoral history of the Western Division: the need to avoid debt; the importance of destocking in drought; the need for sufficient areas; the need to preserve native pastures; and the need to control plant and animal pests. Frequent attempts have been made to overcome these problems, yet the nature and consequences of the role of government in their management are little known. This issue is particularly pertinent as Australian governments have tended to have an active role in the management of landuse. Attempts to change landuse practices in the Western Division and elsewhere in the future will rely in part on government intervention and management.

1.2 THE STUDY

My thesis explains how the people and Government of New South Wales managed the Crown lands of the Western Division and why they managed them as they did between the 1880s and 1930s. An examination of the fate of the attempt around 1901 to better adapt pastoralism to the West is central to the study. The Western Lands Act and the Western Land Board were an attempt to preserve the environmental, economic and social utility of the Western Division. There was a sophisticated understanding of the failures of pastoralism in the Western Division by 1901 and a strong and widely based commitment to use this understanding to modify pastoralism. I am concerned with the fate of this knowledge and commitment. My thesis concentrates on the origins and development of the Western Lands Act of 1901 and the management of the Division under this Act. My focus is mainly on the south-eastern part of the Division comprising the Hillston North and Hay North Land Districts. The location of these Land Districts, and others in the Western Division, is shown on Figure 1.2.

I examine the attempt of the public management to reconcile the demands of the physical environment of the West with the expectations and institutions of the wider State. I show how the structures and mechanisms of the Government of New South Wales influenced the public management of the land. Central to an understanding of landuse is a knowledge of how its public managers have been influenced in the

definition and pursuit of their objectives by the broader social environment they have operated within. The role of conditions, values and actions within the Western Division in establishing this social environment is an equally important question. The managers of the Division tried to reconcile the aspirations of different social groups with direct and indirect interests in the Western Division. In turn the ideas and actions of the public managers were influenced by these groups who ranged from associations representing pastoralists and farmers, political parties and unions to broad class divisions. The aspirations and agenda of these groups and the public management itself changed over time with changes in environmental, economic and social circumstances. The management of the Western Division was not solely defined by the conjunction of broad and slowly changing social and environmental circumstances. I examine the direct influence of knowledge of the environment of the Western Division on the public management of the West and its influence on the political environment of New South Wales. Particular events in many forms and at different times influenced the management of the Division. The values and choices of a small number of individuals had a profound influence on the way the Western Division was seen and managed. I attempt to determine how these various influences were reconciled and manifested in the public management of landuse.

The question of how and why the West was managed as it was can only be understood in the context of the culture of New South Wales. Marginal rangelands had no place in the development of the culture imposed with European occupation. Moreover, central characteristics of the West, like its extreme marginality for economic production and the extreme variability and unpredictability of elements of its physical environment, had only a limited part in the adaptation of the culture of the people and their institutions to a new land. Yet the Western Division was made part of New South Wales, a largely arbitrary administrative invention. The public managers of the Western Division were thus vested with the management of an area that was in important ways beyond the experience of the people and the institutions that had developed to manage land. The West remained in most respects marginal to the State. New South Wales was not going to change in any fundamental way to better cope with the nature of its western appendage. There was a mismatch between the culture of New South Wales and its institutions and some of the characteristics of the environment of the West. Reflecting the uniqueness of the West, it was seen, inside and outside the Division, to have developed its own cultural characteristics. They featured attributes of independence and individualism which were to conflict with the aspirations of the State Government and many of the people of New South Wales.

The public management of the Western Division was, similarly, strongly influenced by the unique 'place' of the Western Division in New South Wales. Two elements of the place must be considered. Firstly, the location of the Western Division within the State influenced its public management. The Western Division was isolated and, to a varying degree, peripheral to New South Wales. Secondly, the physical environment of the West had characteristics, which were unique in New South Wales in nature or extent. The West was also, in some ways, culturally and socially different. These differences were to influence its management. The development of this unique place was perhaps a product of the isolation of the West from the rest of the State. The distinct nature of the Western Division was a central reason why its management was vested in the largely autonomous Western Land

Board. The West was a place where the normal modes of public land management were deemed inappropriate.

A central theme of the public management of the West was the conflict over the possession of the land, a product of the culture of the people of New South Wales and the place of the Western Division. With the occupation of New South Wales came particular ideas and assumptions about ownership and rights to possess the land. They were part of the cultural inheritance of the Europeans. However the normal rules, or tenures, under which land was possessed were thought inappropriate for the environmental and social characteristics of the West. A wholly suitable tenure arrangement has still to be found. There was an incompatibility between the environment of the Western Division and the collection of tools at the disposal of the State to deal with its possession. But at the same time that the State was groping for suitable tenure arrangements, assumptions of possession were developing among pastoralists within the West based on their use of the land. They were an adaptation to local conditions and initially took the form of often fluid rights to extensive tracts of land. The public management of the Western Division was an exercise of the State's rights over the Crown lands of the West. The exercise of these rights often conflicted with lessees' assumptions of possession which were based on cultural norms rather than the formal sanction of the State. There was thus both an incompatibility between the State's rules of ownership and the West, a place largely outside its gambit of experience, and a closely associated conflict between the State and the ideas of ownership which developed within the Western Division.

I argue that lessees negotiated 'informal rights' to possess the West under which the management of the West envisaged in 1901 became impractical. Informal rights were expressions of authority over the land negotiated between pastoralists and the Government unsanctioned by the law. They profoundly affected the public management of the Western Division. The management of the West was not usually dominated by overt conflicts of possession between State and pastoralists. Notions of private ownership were central to the culture of New South Wales and the pastoralists' assumptions of ownership of the land were often respected by the Government. The Government acknowledged the pastoralists' rights to pursue their landuse without high levels of intervention. There were informal agreements, or understandings, that these rights would be respected by the Government. These agreements sometimes had more force than the formal prescriptions of the law. They often developed in response to changing environmental and social conditions. The Western Division, partly because of the initial success of the Western Lands Act and improving conditions in the pastoral industry, ceased to be a scene of crisis where strong government participation in landuse was accepted. Support for government involvement quickly eroded. Although almost all the Western Division remained under Crown lease, strong notions of private ownership, suspended during the crisis at the beginning of the twentieth century, re-emerged. Furthermore, this re-emergence was readily accepted by the Government. The commitment of the Government to assert its own rights to the land diminished with improving conditions and it quickly became less involved in supervising leases. An important exception was its commitment to promote closer settlement. In this case, ironically, the benefits of ownership which closer settlement was expected to spread legitimised the exercise of the State's rights

in the land even though this threatened the possession of lessees. The promotion of settlement was often a political imperative.

I also argue that the changing rights to interests in the Crown land of the Western Division and the dissipation of the notion of its uniqueness were very largely a product of the place of the Western Division in New South Wales. The Western Division, it was clearly recognised by 1901, was a distinct place. But this recognition could not be entirely maintained. Pressure to manage the Division as simply a part of New South Wales grew within Parliament and the wider State from soon after 1901. The pressures were not only external to the Division but shared by the landless, the Western Land Board and the political representatives of the West. The memory of the need for alternative management was lost. In this sense the concept of a distinct place called the 'Western Division' partly failed. The independence of the Division from the rest of New South Wales that it had been seen to require could not be maintained. The Western Division was Crown land – part of the public estate – and there was pressure that its management reflect the immediate political interests and social values of New South Wales as a whole. Managing for the climatic variability of the West, for instance, frequently conflicted with these often short-term interests. The management of the West is not seen in terms of changing values toward landuse in New South Wales so much as in competing values. There was virtually always, after 1901, strong pressure to make the way the Western Division was managed more closely reflect the way landuse was managed in the rest of New South Wales. Government participation in landuse became less acceptable, except when more intensive settlement was pursued. Although the administration of the West remained unique in form it could not function as it was intended in 1901 against this background. Policies toward the West came to more closely mirror the norm in New South Wales and the common themes in Australian landuse history such as the need for Williams' "more and smaller" (1975) came to dominate its management. The Western Division, as a place, was incorporated into New South Wales. Counterbalancing these pressures was the system of management established in 1901, which had its own inertia, and periodic reminders, like economic down-turns and droughts, of the conditions which led to its establishment. There was conflict of place as well as possession. At the same time, notions of independence and separateness from central government that had developed in the West in the nineteenth century, continued to influence the management of the Western Division into the twentieth century. In this respect the identity of the Western Division remained. Over time it is possible the Western Division became a more peripheralised part of New South Wales, less likely to be given special consideration. Wool became less important to the State economy and the population of the Division fell relative to the rest of the State. The cultural importance of the frontier of settlement may also have diminished. This occurred at the same time that improving transport and communications made the Division more accessible. While I examine critically the public management of the Western Division, I do not argue that this management was a failure in any absolute sense: it perhaps allowed the continuation of pastoralism over large areas of the West.

In one crucial sense the Western Division did maintain a unique place in New South Wales that influenced its public management. The Division was enveloped in the bush myth. Landuse in the Western Division was seen by many to promise the individual personal development and salvation through hard work and independence

that were characteristic of the myth. As a myth, this popular feeling incorporated elements of fiction. Ironically a feature of the myth was the notion of the isolation, wilderness and hardship of the West which proved so hard to sustain in the exercise of public management.

The changing place of the Western Division within New South Wales is evident in the fate of the understanding of pastoralism in the West after 1901. The knowledge on which this understanding of the West was based dissipated over time. It was a knowledge, stressing the variability and limits of the West, that was incompatible with the way landuse in New South Wales was generally seen and experienced. When some reminder of the fragility of pastoral occupation recurred, such as in the 1930s, this knowledge was quickly, if temporarily, recalled within and without the Western Division. Knowing the West was only a small part of the story of its management. I show that the level of knowledge of the West was not an important constraint on its public management.

Understanding the West

To understand the public management of the Western Division it is first essential to understand European occupation, settlement and pastoral production and the environment in which they occurred. The public managers of the Western Division administered and adapted a way of using the land that was substantially given: its basic form was beyond their purview. They could not readily change the nature of the environment, the nature of the pastoralists or the nature of their culture or basic social institutions. Only within this framework can the formation and operation of the public management of the Division be understood. It contains the germs of many of the themes which dominated the management of the Western Division into the twentieth century. Basic concepts of property, government and broad social and economic relationships are assessed. Western New South Wales was settled by a culture that evolved in Europe and eastern New South Wales. Fixed settlement rather than opportunistic landuse was the norm. The occupation and use of the land was inseparably linked to its ownership – and ownership was a respected and powerful institution. A struggle over the formal and informal rights to land was fought between those who occupied the land and the Crown. Public policies promoting the development of the social as well as economic use of the land developed. There were conflicts over access to possession of the land. The physical environment of the Western Division is discussed in relation to pastoralism. Pastoralism in the Western Division adapted to and was constrained by environmental conditions that were not a part of the experience of the settling Europeans.

I then show how pastoralism in the Western Division came into conflict with its physical environment in the 1880s and 1890s. This conflict was manifest in great environmental changes and degradation and there was a rapid growth in knowledge about these changes and an understanding of their ecological bases. In the 1890s these environmental changes, combined with drought and depression, threatened the future of pastoralism in the West. There was a great growth in awareness in New South Wales that the way the Western Division was managed needed to be changed if occupation was to continue. There was also an informed public discussion about what needed to be done if this change was to occur, succeed and last. In the 1890s, also a

period of social tumult, many of those with direct and indirect interests in pastoralism in the West became more organised. Pastoralists' unions and associations representing the landless and small settlers were formed. They were to have an important influence on the management of the West.

I demonstrate that the Western Lands Act, 1901, was a very widely supported attempt to modify landuse to reflect the contemporary understanding of pastoralism encapsulated in the Royal Commission into the Condition of the Crown Tenants. In 1900 burgeoning popular and official concern over what had become known as the 'problem of the West' had led to the appointment of the Royal Commission. The Commission reflected, further legitimised and extended a body of knowledge about the problems of pastoralism in the Western Division that had been developing for many years. New South Wales tried to adapt to the West. Although the Act was constrained by the basic characteristics of the pastoral industry it represented a significant renegotiation of the rights of the State and lessees in the Western Division. The lessees, whose futures were threatened, had requested government intervention. The Government was concerned to maintain the productivity of the public estate. The Act was an attempt to ensure the future of pastoralism in the Western Division and the threatened environment which supported it.

The management of the Western Division under the legislative and institutional arrangements established in 1901 is then examined. The public management is explained in the context of the changing social, political and environmental conditions within the Western Division and the wider State. Most important to this management was the Western Land Board, a semi-autonomous board of three, vested with the administration of the Western Lands Act.

I show that as environmental crisis receded the wide commitment to the notion of the Western Division as a distinct entity requiring unique management gradually dissipated. Some of the more stringent conditions for environmental protection recommended by the Royal Commission into the Condition of the Crown Tenants and introduced under the Western Lands Act were abandoned, without controversy, and apparently by mutual consent of the Government and lessees. The provisions infringed on the informal rights of lessees to their land. The dissipation of the idea of the Western Division as a distinct place allowed an old political imperative to rapidly re-emerge: the need to make more land available for settlement. Although lessees' claims of possession over the Western Division were strong, they were secondary to the desire of the Government and the community of New South Wales to extend the rights and benefits of possession to more people. The need to provide existing struggling smaller lessees in the Western Division with more land was a central and completely unopposed recommendation of the Royal Commission. But land was given to new settlers instead. Furthermore the Western Land Board, on its own admission, resorted to releasing marginal land in marginal areas for settlement. The direct pressure placed on the Western Land Board to release land in the Western Division by parliamentarians of all parties is demonstrated. Nevertheless, the larger lessees of the West preserved their leases virtually intact. The property rights assumed by pastoralists and accepted by the Government and other practical problems made getting access to their land difficult. These rights remained contingent on the use of the land. The great pastoralist, Sidney Kidman, used his leases in the Western

Division in a very extensive way. This was widely seen to make his possession of the land illegitimate even though legal. The notion that the Western Division had a limited capacity to support more settlement without substantial changes in technology and great investment accepted in 1901 was lost. The Western Land Board itself tried to transform parts of the Western Division into agricultural areas. This notion was increasingly attacked over time as the environment of the Western Division ceased to be seen as exceptional in nature. Compounding the pressures, the Western Division was Crown land: public property in which all had an interest. The boundary between The Western Division and the New South Wales became fainter.

Recognition of the uniqueness of the West only returned in the 1930s with drought and depression. Many of the problems of the 1890s recurred in the 1930s and, like the 1890s, there was a popular swell of concern over the condition of pastoralism and the environment of the Western Division and its management. The 'problem of the West' had returned. There was renewed concern, even fear, over soil erosion. Desertification was anticipated. I show that the concerns of the 1930s should be seen as a renewed articulation of and commitment to the understanding of the West demonstrated by the 1890s. The knowledge of the West was resurrected with this awareness of its problems. There was very little fundamentally new said about the relationship between the environment of the West and pastoralism. Many elements of the management of the Western Division under the Western Lands Act were shown to have been failures by a Royal Commission into its administration in 1931. Many of these failures were attributed to the personal failings of the members of the Western Land Board, but they reflected a Western Division which was no longer managed as a separate entity, but haphazardly maintained as an adjunct to New South Wales. These failures were exemplified in the attempts to introduce agricultural settlement into the Division in the 1920s. The Western Land Board was politicised in the 1930s as the Parliament reasserted more direct control over the management of the Division. There was another effort to come to terms with the Western Division.

Scope of the Study

This study concentrates on the place of the Western Division in New South Wales. It is a study of the public management of the Western Division as an administrative entity. It is not a study of land use at the scale of individual properties or localities, though examples at these scales are used. As such it cannot reflect the great diversity of local conditions in the Division. The Western Division, some 80,000,000 acres in area, encompasses many and diverse environment types. The north and south of the Division experience different climatic influences. There is wide variation in topography, soils and vegetation. The Soil Conservation Service of New South Wales has defined over 200 distinct land units comprising eleven major rangeland types in the Division (Walker 1991). This environmental diversity is associated with diverse conditions for the pastoral industry over time and space. Different vegetation types respond differently to grazing pressure, the introduction of exotic species and to drought. In some areas only very extensive grazing occurs, if that. In others there is opportunity cropping and limited irrigation. Most of the examples of conditions and events at the local scale used in this study are taken from the Hay North and Hillston North Land Districts, an area still encompassing much environmental diversity. These Land Districts were chosen because of their accessibility and the availability of

records. It supported reasonably close settlement by Western Division standards, distorting their representative value. A representative sample of local conditions was beyond the scope of this study. At the opposite scale, the management of the Western Division was influenced by movements and events throughout Australia and the world. Environmental awareness and notions of ownership, for example, were intricately connected with national and international movements. Except in a few major cases these connections have not been traced. To do so would be a profitable task.

This is also a study of the Western Division at a particular time. I show that there were long-term variations in the climate of the West and, at least in some areas, in its vegetation. The 1880s to 1930s encompassed a very wet period followed by a drought and then a prolonged dry period which lasted with only intermittent relief from the early 1900s to the 1930s. The period encompassed two great depressions. These conditions were unique but influenced the management of the West.

This study concentrates on two traditional elements of geographical writing; the relationship between humans and their environment, and the nature of place and the relationships between places. A major tool of many of the most significant historical geographies of rural Australia has been the reconstruction and explanation of settlement patterns and broader human landscapes over time. This study does not use the artifact of landscape or settlement pattern in any sophisticated way as evidence of social processes and choices. The meaning of lease boundaries in the Division was limited by the multiple ownership of leases, the ownership of multiple leases, cooperative endeavours between lessees (common in families) and in some periods at least, private unsanctioned 'subdivisions'. Reconstructing meaningful patterns over a meaningful area was beyond the realm of the study. Heathcote (1965) has reconstructed in detail the pattern of settlement in the Warrego region straddling the northern Western Division and an area of Southern Queensland.

The interpretation of history depends on the values of its writers and their society. Until recent decades settlement has been often seen as a process with costs and sometimes tragedy, but which has been ultimately, even inevitably, successful. In 1962 Meinig described the colonisation of the South Australian wheat frontier as an ultimate success. There were failures in the process, such as the early unsuccessful expansion past Goyder's Line, and undesirable environmental consequences were noted. The expansion of the wheat frontier was described as a great geographical experiment, "... an empirical testing of the qualities of the land, farm by farm, district by district." The experiment defined the limits of the reasonably reliable country, although at incalculable social and economic cost (1962;206-7). But lessons were learned and Meinig concluded:

On balance . . . the evidence would certainly seem to confirm the South Australian frontier wheat farmer – and his companion, the country machinist – as uncommonly industrious, adaptable, and inquisitive pioneers who rapidly developed a new and basically successful farming system to meet the peculiar challenges of new environmental and economic situations (1962;122).

Similarly, Hancock's *Discovering Monaro* (1972) described a slow, and continuous, process of mistake, learning and adaptation among settlers in the Monaro in New South Wales. Again the ecological costs of this process were not neglected.

In contrast, more recent interpretations have stressed the costs rather than successes or triumphs of European occupation and settlement, particularly to Aborigines, women, and the natural environment. This has been a remarkably quick transformation. Understanding the landuse of the past is perhaps more difficult when viewed with the preoccupations of recent times. Many past histories accepted the European conquest of Australia with little question. Their authors were perhaps closer in perspective to, even empathetic with, the participants in the conquest. Today changes in perceptions of landuse and settlement may be easily identified but establishing any real understanding of attitudes and preoccupations further removed from those of today is a harder, perhaps impossible, undertaking. This thesis is one interpretation of the management of the West and reflects one way of seeing the West. It is firmly rooted in the values of today. It is not an exclusive interpretation, but I believe it to be one that contributes to an understanding of Australian landuse.

Some Definitions

The public management of landuse is defined as the control, by government, of the course of affairs of settlement and public and private landuse. Landuse in the Western Division was influenced by the Government through informal negotiations and agreements with land users. The more inclusive term 'management' is preferred to the term 'administration'. The management of the land is generally the responsibility of the State governments of Australia. Government in this study is used in a broad sense to include the legislature, executive and judiciary arms of the State of New South Wales and instrumentalities and individuals in which state power is formally vested through the authority of Parliament. Landuse refers both to the conduct of pastoralism and associated activities on the land and the imposition of settlement conditions by the State, such as tenure form, length and area. Government had extensive control over settlement and a lesser, but still significant, control over the conduct of pastoralism. Policies in this study are defined as principles of the management of landuse adopted or proposed by government and any course of action taken to implement such principles. Government attempts to implement policies were mainly through the imposition and policing of regulations. Regulation was defined by Young in the context of resource management as intervention on the part of the state to restrict the activities of private actors or to alter their incentives with respect to the use of natural resources (Young 1981;5).

CHAPTER TWO

EXPLAINING THE WEST AND SOME FOUNDATIONS OF THE STUDY

2.1 THE MARGINAL WEST

An analysis of the public management of the Western Division must reflect the complexity of this management. The West became more closely integrated with the rest of New South Wales during the nineteenth century. Its pastoralism fell more firmly under the political and administrative structures of the Colony. At the same time, pastoralism in the Western Division retained and developed its own characteristics, to the extent that it became unique in the culture of New South Wales. Public management was influenced by the nature of the 'place' of the Western Division: that unique combination events and processes, operating at many scales, that defined the 'West'. Its landuse, climate, and many of the regulations it operated under, were distinct. Many thought its people were too. Individuals and their idiosyncrasies were to strongly influence the management of the West. Linking these realms: New South Wales, the Western Division, and individual players is difficult. An historical narrative allows fluent movement through time between these diverse influences and factors. Historical narrative, I argue, allows an appropriate integration of structure and agency, or the general and particular, in an explanation; one which reflects much modern social thinking. Generalisation is not incompatible with narrative.

My study has both historical and contemporary meaning. The history of the public management of landuse in the Western Division provides a rare opportunity to better understand the role of government in managing landuse in Australian history, particularly in the rangelands. Today, the appropriateness of much landuse in Australia, particularly in the semi-arid and arid rangelands, is increasingly questioned. The role of government in managing landuse is another controversial issue. Many of the impediments to landuse change are not limits of knowledge, but incompatibilities between the intent of management and the social structures management operates within. Assessments of how the public management of landuse has been defined are timely. Only then can the impediments to adapting landuse to contemporary and future values be known. It is important to understand the diverse physical processes that result in soil erosion to effectively manage it. It is similarly important to understand the genesis, operation and results of the many social influences that combine to determine landuse management. Despite this need there is "... a dearth of information on how social, economic and institutional factors have played a causal role in the historic processes of landuse management in Australia (Messer 1987;234)."

It is necessary to introduce some concepts which are central to an understanding of the management of the Western Division: notions of possession and the concept of 'informal rights' to the land; and the place of the Division in New South Wales. Belief in private ownership and the relationship between ownership and use of the land were strong in New South Wales and the Western Division. The society's strong commitment to private ownership and individual rights asserted itself even on leased Crown land. Yet a government whose base of power lay in London retained formal control of the land. The Western Division was part of a centrally administered Colony and later State of New South Wales. Pastoralism changed from a semi-nomadic or opportunistic landuse to a mainly sedentary enterprise reliant on substantial capital investment and secure tenure, all within straight, carefully surveyed boundaries. The land was divided into blocks by a central government and rented to individuals and companies. Investments in 'improvements' to the land were sometimes a condition of occupation. The very fact of the European occupation of Australia has been seen as an expression of a Western cultural tradition of domination over nature. Class differentiation was a characteristic of the society.

To understand notions of possession and the public management of the Western Division, an understanding of the early settlement of the West and of government attempts to control it is needed. The form of European landuse which was first imposed on the West continued to influence its management into the twentieth century. During a period of unauthorised occupation of parts of western New South Wales, squatters developed informal rights to the land. These rights were based on a strong premise in society that the use of land conferred rights to that land. Managing the West continued to involve a tussle between the assumed proprietary rights of the squatters and their successors and the formal proprietary rights of the Government over the Crown lands. Part of the Government's interest in the land was to give more people access to Crown land and so to the benefits that possessing and working land was believed to confer. There thus developed a conflict between the rights of squatters and the Crown and a conflict between smaller settlers and squatters. These conflicts were fundamental to the management of the Western Division and the form of settlement throughout the period examined in this study.

European landuse and its management in the West were profoundly influenced by a place that was marginal for economic production. The climate, soils and vegetation of the Western Division limited landuse (apart from mining) almost exclusively to extensive pastoralism. Some of the main characteristics of this environment are introduced in relation to pastoralism. The rainfall of the Division is shown to be prone to short and long-term fluctuations. This variability introduced elements of both risk and uncertainty into pastoralism. Elements of the variability were predictable and, economic conditions allowing, could be adapted to. Other elements were and are unpredictable and in some cases occur over decades. Finally, some fundamentals of the ecology of the vegetation and soil of the Western Division are examined in the context of the pastoral industry. Vegetation may respond in many ways to grazing and long and short-term rainfall fluctuations. Some species and communities are resilient to drought or grazing, others fragile or robust. This compounded the uncertainty of pastoral production.

The available sources allow an assessment of the main elements of the public management of the Western Division. Much of the broad social framework within which the public management of the Western Division developed has been reconstructed by authors such as Roberts, Butlin, Heathcote and King. The official records of the Western Land Board and the numerous parliamentary debates and inquiries into the management of the West allow the development of the formal structures and rationale of management to be assessed. Responses to this management are to be found in the records of associations representing pastoralists. These associations maintained a dialogue with the Western Land Board. Newspapers from the Western Division contain evidence of local responses to the management of the Division. The press provided editorial comment and, sometimes, detailed reports of the meetings of the many local and regional organisations who were interested in the management of the Division.

2.2 EXPLAINING THE WEST

Many factors, operating at different scales and in different ways over time, clearly influenced the public management of the Western Division. Something as complex as the public management of landuse in a large region is defined by diverse climatic, economic, social and political conditions. Furthermore, these influences are manifest in different ways at different scales. The political affinities of localities, regions and the State may, for example, differ. Yet all may influence the management of landuse. The Government of New South Wales interacted with conditions, events and responses at the scale of regions and localities. The management of the West was strongly influenced by individuals. This whole matrix of influences, operating at different scales, changed over time. The public management of the West was a complex and dynamic process.

Moreover, accompanying the diversity and complexity of influences that have defined landuse is the diversity of the values, theoretical constructs and methodologies through which they have been examined. Questions about landuse rarely fall within the broad but artificial boundaries of academic disciplines. Historical geography draws on elements of the humanities, and the social and natural sciences. The perspectives of enquiring individuals and disciplines have been diverse in the questions that are asked, how they are asked, and what constitutes an acceptable answer. Over time the knowledge base and ideology of commentators changes. The language of enquiry too is variable.

Historical narrative is the most appropriate way to answer the question this study tries to answer. The problems of better incorporating structure and agency, regions and places, and time in explanations have been increasingly debated in the social sciences in the past decade with the emergence of postmodernity and the perceived need to better incorporate the ideographic into social analysis. Using the example of geographical thought in particular, I argue that the type of academic enquiry proposed to accommodate these needs approximates the long-standing tradition of historical narrative. Historical narrative has long been used to reconcile the complex factors which influence social questions. It has long sought generalisations, but ones not simplistically distanced from particularity.

Structure and agency, region and place, time

Attempts have been made to overcome the problems of achieving broad syntheses. One of these is the structural approach where explanation refers to synchronic "causation" in which an event is explained by describing its role in the system of which it is part. The structure of this system, in turn, can only become evident when the relations between elements are considered. The whole set of relations between elements must be studied in order to discover the relational patterns, as the structure is not an observable fact (Polkinghorne 1983;163). Such a system has internal coherence and

. . . is not simply a composite or aggregate of independent elements; it is a system in which a set of patterns, intrinsic to the system, confer on the constituent parts properties that are larger than those they possess outside the system (Polkinghorne 1983;153).

Hermeneutics seeks to understand human actions and expressions through interpretative techniques. A dialogue may be set up between structures and the historical meaning of experiences and its effects at both the individual and social levels (Polkinghorne 1983;214). This approach mirrors the development of landuse systems themselves, where there is a continual interaction through time between the structures of the system and ideographic influences. It is such interaction that defines landuse rather than the simple addition of influences.

The decline of the importance of concepts like region and place in social thought has been explained by Entriken in terms of their incompatibility with the language of social science in a period of enthusiastic commitment to positivism. Modernist social enquiry saw regionalism as wantonly ideographic; and the ideographic as irrelevant.

The spatial analysts' commitment to the idea of a nomothetic science of geography became the foundation for the transition of reigning orthodoxies in human geography, from the study of the individual region to the search for general laws of spatial organization (1989;39).

Thrift put it more succinctly. "The pursuit of simplicity had led to the death of the region (Thrift 1994;210)." The demise of regionalism and place in social science has also been attributed partly to the supposed reduction of areal differentiation in modern society. This has been attributed to more effective transport and communication, an integrated global market and ever more complex and centralised forms of organisation and administration that connect regions to each other and to central government (Entriken 1989;33. See also Thrift 1994;224). The processes and structures of interdependence have become major areas of social research and reduced the attractiveness of the region as a unit of study; they have been examined in terms only of their relationship with the wider processes. "Ideas of local culture emerge only as residual effects of this dynamic of capital, and are to be understood only in reference to them (Entriken 1989;33)."

The resurrection as well as the past demise of regionalism can be attributed to broad shifts in thinking in the social sciences, influenced by postmodernity. Ley has noted the tendency to suppress local context and culture, and the imposition of

uniformity as a means to universality. The reaction to this in human geography has been "... a critique whose key words would surely include the post-modern lexicon of contextuality, diversity, meaning, experience, the everyday, culture, human agency, and of course place (Ley 1989;60)." Entriken has argued that there has been:

... growing recognition of the problematic nature of the boundaries that have been drawn between subjectivity-objectivity, rationality-irrationality, and the demarcation of scientific knowledge from other forms of knowledge. In geography this recognition has been manifested in a renewed interest in questions related to what might be termed the existential core of geography, the fact that human experience is always rooted in place (Entriken 1989;41).

I do not argue here that concerns of particularity and locality are the preserve of postmodernity. Nor do I adopt a theorised postmodern stance (if that was possible). I merely note its important influence as a broad movement in popular and academic social thinking which stresses "sensitivity to difference" and "specificities of space" (Gregory's terms 1994;101).

Another, related, development in contemporary thought that has been seen to justify the resurrection of place and particularity is:

... the argument that a chance phenomena can produce a fundamental rearrangement of a given system. The system, then, is able to reorganize itself and, hence one can speak of a self-organizing system. This legitimates a systems theory based upon thermodynamic interpretations because it lays the ground for a non-mechanistic, non-deterministic, but systemic, approach to the relationships of a geographical entity to its environment (Berdoulay 1989;132-3).

There is thus a call for more consideration of the unique, place and the relationship between agency and wider structures. Even Thrift, who believes (very ambitiously) that the goal of new regional geography is to discover and represent the whole way of life of a region in a fully theorised way, recognises that local patterns of social organisation and interpretation will produce novel reactions which may form the germ of new processes (Thrift 1990). He also states that it needs to take more notice of textuality and problematise more, although the basic connections between people, places and causality still need to be traced out (Thrift 1991;463).

The literature of regional geography has been trying to more rigorously incorporate the structural and ideographic through time in the definition and theorisation of regional systems. Traditionally a geographical study of a region involved discovering and assembling related facts about places. Whether such facts were physiographic, biotic, cultural or economic, the ultimate goal was regional choreographic synthesis. The focus of modern regional geography is regional formation as a dynamic historical geographical process, local events and systems being integral to explanations of social and economic process. The more recent regional studies have focused on a theme deemed most germane to an understanding of the particular region in question (Pudup 1988). This has been connected, in turn, with attempts to reassess the importance of regional processes and events in the definition and operation of wider social systems. For a parallel in cultural geography see McDowell (1994).

Agnew has argued that place has a major role in the formation and understanding of social processes (Agnew 1989;24). The local and regional expression of social processes and structures is influenced by the particularities of place, and their ultimate meaning can only be determined when examined in this context. In turn place may influence these wider social processes. So it is necessary to understand place to understand social processes and the relationship between humans and their environment. This is not to argue for a return to detached agglomerations of regional information and relationships. Berdoulay argues that it is necessary to study place with particular attention to its inner capacity to produce meaning, and not only with a search for its outside determinants (1989;134). The increasing prominence of place has strong parallels in the Vidalian school of geography. In this school: "The idea was to avoid a mechanistic determinism by allowing the possible effects of contingency in their explanations (Berdoulay 1989;132)."

Just as there have been calls for the reintroduction of concepts like region and place, there have been calls for the reintroduction of historical analysis in geography. It has long been argued that greater historical understanding needs to be applied to endeavours in human geography (Darby 1953). Although it may appear that there has been more pleading than progress, there has been a resurgence in the argument. To Driver (1988;504), ". . . any division between a non-historical human geography, oriented to the present, and an historical geography oriented to the past can no longer be sustained." Pred (1984) presents a theory of place as historically contingent process that emphasises institutional and individual practices as well as the structural features with which those practices are interwoven. Close parallels have been identified between these recent movements in human geography and the social sciences in general and historical narrative. Berdoulay suggests that ". . . a geographic account of place is like a whole staging process whereby people, objects and messages are coordinated. It is like telling a story . . . It has to reflect the actual interweaving of the relationships among those people, objects and messages, which produces place and which may be viewed as a discourse (1989;134)." This tradition of narrational knowledge is older than the empirical, ostensive and objectifying reference that became such an obsession for the modernist mind (Schrag 1989;90). Kearns has argued that all the diagnoses of environmental crises are exercises in "contemporary history", which means the act of writing historically about the present or recent past (1992, see also Kearns 1991).

With the emergence of postmodernity and the reassertions of the importance of both structure and agency in time in the definition and expression of social processes, enquiries in the social sciences have drawn closer to traditional modes of historical knowing. Narrative history has long been used to establish a dialogue between structure and agency in explanations of complex events; a task that has occupied social theorists increasingly in the last decade. A theory has no intrinsic value other than in its ability to help explain or predict some phenomena. Narrative history, like the concept of modern regionalism, is seen to have such value. Narrative is the most appropriate form of enquiry to answer questions of the complexity of this study. The narrative elements of history has (to the concern of some) anchored history, loosely at least, while other social disciplines have been swept back and forth on theoretical tides. Features of history which perhaps most marked it as a humanity and separated it from other social studies are its narrative and literary elements. It is perhaps the ability

and readiness of traditional history to link the ideographic and nomothetic through these devices that have led to its identification with the humanities, yet given the discipline a prominent place as commentator on past and present society. Narrative is also, importantly, a common form of explanation between disciplines and people, even if not the accepted language of most intra-disciplinary communication.

Historical narrative attempts to delineate the sense, or the pattern, of an historical process from a complex background of changing conditions and structures, coloured by the contingent. The narrative attempts to show why one particular pattern emerged from all the possibilities contained in the background, and not another. It is a way to avoid (using the expression of Gregory), being ". . . strung out between notions of totality which are plainly discreditable and a 'politics of fragmentation or conjecture' which is largely ineffectual (Gregory 1989;91-2)." Narrative is concerned with linkages and the explanation of events. The historian is ". . . simultaneously compelled, like the scientist, to simplify the multiplicity of his answers, to subordinate one answer to another, and to introduce some order and unity into the chaos of happenings and the chaos of specific causes (Carr 1961;90-91)." Historical material is often incomplete, fragmented, complex, and scattered. Isolated facts acquire meaning in context. This context in turn is developed through a close familiarity with the material and the relationship between facts (Harris 1978;287). Such studies tend to be particularistic and individualistic because they are derived from a multiplicity of sources interpreted by individuals with particular preferences and perspectives and unlimited by firm theoretical constraints. There is often no explicit methodology (Harris 1978;295). The attention of the narrative is on the dynamic relationships between causes and effects rather than on static arrangements abstracted from that process (Porter 1981;33). The facts of history are often the product of largely unpredictable human choice.

Although clearly inappropriate in itself for deductive law-making, narrative is a form of explanation that uses, links and contributes to diversely based theoretical social knowledge. The events of history would have no meaning otherwise; they would simply occur. As Porter has argued, general statements or hypotheses derived from narrative are normative rather than deterministic but may be empirically tested (1981;37). The statements describe what might have been expected to happen in given circumstances.

There is . . . a natural tendency to use the pattern abstracted from the story as a heuristic device that prompts questions about the similarity or difference between one sequence of events and another (Porter 1981;2).

This kind of understanding is analytical. Ideally historical analysis should maximise the analytical component, without compromising the understanding and integration of the ideographic so central to historical events and so to historical explanation. Narrative is required to illuminate the complex interplay of events and processes, and analysis is required to confer general meaning on these relationships.

If the perspective of an internally consistent narrative, the level of abstraction (the scale of the question), and the assumptions are made explicit, one narrative may reliably inform other narratives and other enquiries. The veracity of a narrative

explanation is judged on the same fundamental bases as those of other methods of enquiry. Although histories are often interested in singular processes and questions, they are given meaning by their connection with other like processes or questions; they are generalised and so innately theoretical, their lessons can be compared with other generalisations.

The constituent elements of any event are amenable to a great variety of transformations before their form and significance is finally determined in an overall scheme. It is the task of the historian to show, by empirical evidence and responsible inference, what those transformations might have been and what they actually were. The narrative account of the transformations is therefore comparable to and reflective of the actual past, though it is never the same as the past. And because history is a public enquiry (rather than private, as in fiction), the account can be judged and corrected by other historians (Porter 1981;53).

Kockelman (Polkinghorne 1983;236-7) has suggested five canons of social research which he suggests provide for the intersubjective validity of an interpretation:

- i) The autonomy of the object of study needs to be accepted. The object should not be forced into preconceived interpretive schemes
- ii) The researcher should seek an interpretation which makes the phenomena maximally reasonably or human, acknowledging its complexity
- iii) The researcher must try to achieve the greatest possible familiarity with the phenomena – with the historical origin and with the various components of meaning which have been gradually attached to the original meaning
- iv) A process of knowledge development that moves back and forth from understanding the parts to understanding the whole
- v) The researcher must try to show the meaning the phenomena have for the present situation

They are entirely in keeping with the nature of historical narrative.

Other Studies

Most research into semi-arid landuse in Australia has, broadly, occurred in three main areas. One has attempted to assess the impact of European settlement on the natural environment at various scales, attempting to understand the influence of humans and their associated species on the flora, fauna and soils. Another has been research into the legislation and economics of settlement and wool production at the property, pastoral company or industry level. A third area has interpreted the history of landuse in terms of European perceptions of the land. Most references to public management in historical research into the Western Division and elsewhere have concentrated on the policies promoting closer settlement, policies central to the history of landuse in the Western Division. But the public management of landuse was much more than a mechanism for the implementation of this policy.

The enormous amount of literature on settlement history and pastoralism in Australia reflects the important place that they hold in the cultural as well as social

and economic history of the nation. A large body of work by economic historians has related pastoral settlement, management and finance to wider economic conditions. The most notable contributions have been by Butlin and, in the Western Division, Cain. Some studies have detailed specific aspects of landuse such as settlement patterns and processes (e.g. Roberts and King 1957), or the development of the wool industry (e.g. Barnard 1962). The records of pastoral companies have also been used to analyse the investment policy and construction of physical assets on an Australian Agricultural Company holding in the Liverpool Ranges (Robertson 1964). Heathcote (1965) studied settlement history and land appraisal in the semi-arid pastoral environment of eastern Australia, concentrating on the Warrego country straddling the Queensland/New South Wales border. The approach adopted was "historical geosophy". The role of local and general, and popular and official perceptions of the semi-arid landscape in the evolution of landuse systems was stressed. Management of the environment was seen to stem largely from the nature of these perceptions.

There have been attempts to construct histories of the physical environment in areas of the Western Division since European settlement. They have relied primarily on historical records. Williams and Oxley (1979) assessed the impact of pastoralism on the chenopod shrublands of south-western New South Wales. The authors attempted to discover from pastoral company records how soils and vegetation had changed. The study concluded that although the shrublands could be managed as a renewable resource, current management procedures are of the "slow mining type". A similar approach was taken in a study of the effects of European settlement and domestic stock on the poplar box woodlands between the Lachlan and Darling Rivers. The study found that much of the poplar box lands had suffered a permanent loss of top-soil and nutrients and that their recovery to the pre-pastoral condition was unlikely under any form of management (Harrington *et al.* 1979;275). Pickard has also engaged in 'historical-ecological' research, integrating disparate historical evidence in his work on stocking and environmental change in the West (1990 and 1994).

The general literature on landuse in Australia leads toward the conclusion that the widespread lack of understanding of the ecological characteristics of the land is due to a combination of inappropriate knowledge derived from European farming practices and to cultural values and ideologies that either devalue nature or overestimate the capacity of natural ecosystems to adapt and reproduce themselves (Messer 1987;233). These themes are prominent in the literature on European landuse in the Western Division. Most historical studies have concentrated on the inappropriateness of European perceptions of the Australian environment, ignorance of its capacities and limitations, and the associated attempts to impose more intensive settlement. These elements of settlement history have been manifest in the repetition and duplication of settlement errors, such as attempts at over-intensification. The themes are central to an understanding of the public management of the Western Division. But parallel with these influences have been continuing concerns about the sustainability of landuse practices and formal and specific responses to these concerns by the Government. The nature and fate of these responses is a concern of this study.

The classic historical geography of semi-arid pastoralism in Australia is that of Heathcote (1965). Heathcote examined the history of the conflict between pastoralists

and their environment in the semi-arid plains of New South Wales and Queensland. Special emphasis was given to the role of perceptions of the environment on the appraisal of the plains for occupation. Heathcote aimed to describe and account for the sequence of attitudes to, and knowledge, appraisal, and finally use of the pastoral resources of semi-arid Australia (Heathcote 1965;3). Heathcote also considered the effectiveness of different political controls and the importance of technological change upon land use and appraisal (Heathcote 1965;4). The study incorporated a detailed case study of the settlement of the Warrego country astride the New South Wales and Queensland border.

The study consisted largely of an analysis of popular and official concepts of the plains. The official concepts were those ideas and beliefs stemming from, or evident in, the actions and publications of the colonial and State governments (Heathcote 1965;30). The study also used the evaluation of the land for taxation as an indication of contemporary ideas on land values (Heathcote 1965;65). Early European appraisals of the semi-arid plains were found to be dominated by an unfamiliarity with the environment (Heathcote 1965;16). In the 1850s to 1880s there was an increasing appreciation of the nature of the droughts in the inland, but also, particularly in the 1880s, faith in the potential of underground water and irrigation (Heathcote 1965;23-4). There was argument between those who saw pastoralism as causing degradation and those who saw it as improving the environment. Drought brought ruin around 1901 and a reassessment. The negative findings of the 1901 Royal Commission into the Western Division and associated studies echoed popular opinion (Heathcote 1965;26-8). In the 1920s strong pressures for the intensification of landuse reappeared, although there was opposition to this push (Heathcote 1965;24). The deterioration of carrying capacities was again considered in the 1920s and fears of desertification followed the droughts of the 1930s (Heathcote 1965;28). Legislation in part mirrored the growing awareness of the complex character of the plains themselves but also reflected the personalities of legislators, the growth of the labour policies in politics, and the national or international economic conditions (Heathcote 1965;42).

Heathcote's study reflects one of the dominant themes in Australian historical geography: the consideration of settlement patterns and landuse in terms of European perceptions. Williams stressed the role of European perceptions in *The Making of the South Australian Landscape* (1974). He examined the evolution of the European cultural landscape of South Australia from the beginnings of European settlement to the 1960s, particularly that of agricultural and urban areas. "The attitudes can best be summarized as belonging to man's age-old determination to conquer nature, subdue the wilderness and create a new improved landscape (1974;13)." The settlement of South Australia was based on ideals of christianising, civilising and colonising. The land possessed no actual value, only potential value that would be realised with the application of labour, capital and enterprise. Additionally, the land was an unfamiliar and uncomfortable environment to be overcome and domesticated. In the late nineteenth century, these attitudes evolved into concepts of development, progress and the need to populate Australia, concepts still firmly based on the idea of human domination over nature (Williams 1974;14-7). The study of geographical knowledge, or geosophy, has been criticised in Chambers (1982).

Williams also highlighted the importance of government action in the creation of the South Australian landscape and the adaptiveness of this action to political and environmental circumstances (1974). The Colony of South Australia was highly bureaucratic in origin and land ownership was unquestionably regarded as a government concern. Crown land was public land for the purchase and use of the people. Even when the Wakefieldian systematic colonisation began to break down by the late 1850s, the Government added the Torrens system of methodological land registration to its role of guardian and apportioner of land. Settlers realised that the Government alone had the money to achieve economic and social objectives of the community (Williams 1974;484).

At first the government was doctrinaire and rigid and set itself up as sole arbiter in land settlement matters . . . But in time, the government had to bend and compromise because of its responsibility and sensitiveness to an electorate after 1856, and because of the diversity of environments encountered and of problems the new areas posed (Williams 1974;484-5).

Government involvement in land development continued in the twentieth century with direct involvement in irrigation schemes after 1905. Government as well as individuals could innovate, particularly when forceful personalities were in charge of important departments and the role of individual and official policy merged (Williams 1974;243 and 486). The study concludes:

A pride in achievement, an independence of thought, and yet a sort of collective social conscience, all worked towards the creation of a strong central authority and its widespread acceptance. In more ways than people have realized, it was an undeclared partnership between administration and individuals. Both partners were tinged with common ideals; that order and regularity were preferable to confusion, that tolerance was preferable to dogma, and that general prosperity was preferable to poverty (Williams 1974;486).

Meinig's study of the colonisation of northern wheat frontier of South Australia from 1869 to 1884 also stressed the importance of government participation in the settlement process (1962). Meinig, in contrast to Williams, stressed the distinction between the romantic vision of the yeoman farmer popular in the Government and the hard and pragmatic reality of the pioneer on the wheat frontier.

. . . he had no emotional ties to his land, he could not have – there was no heritage to bind him to this new and strange kind of country. His land had not been passed down to him through the generations, it had been purchased – it was not a legacy but an investment. Land was potential wealth and wheat was the proven means of reaping the potential. His wheat was not for his family and the village grist mill, it was wheat for the millions of the new industrialised world. He farmed not as a member of an intimate, stable, localized society, but as a member of a world-wide, dynamic competitive society. Success was measured by his cost per bushel (1962;120-1).

Meinig attributed the successes of colonisation primarily to individuals who were working directly within the context of the new age, rather than a government who still thought in pre-industrial terms. "For the one land was "home," for the other it was "capital" (Meinig 1962;121)."

Jeans (1975) examined the influence of the structures of government linking Britain and Australia on colonial landscape change: "the impress of central authority upon the landscape" (1975;1). Jeans examined the vehicles or means by which political processes manifest themselves in the environment. The evolution of policies – political goals and the planned manner of achieving them – were best understood as a result of the perceptions, values and interaction of political agents. Political processes were formed by the activities and interactions of political agents whose character and structured relationships needed to be understood. Individuals, and their place within these structures of government, were found to be important. Government hierarchy was seen as both a chain of command and a sensory apparatus.

More recently Wright analysed concepts of the public interest in the administration of the Crown lands in Victoria in the nineteenth century and stressed the importance of prominent government land managers in the bureaucracy (1989). They constructed definitions of the public interest and gave them geographical expression on the Crown lands. They were in a position to impose their own definitions of the public interest on town and country because they were relatively independent and beyond public scrutiny. This is one of the few studies that have given such managers prominence.

Powell (1975), reviewed the broad field of environmental appraisal and resource management in Australia between 1788 and 1860. Powell followed, in general terms, the argument of Nash that the motivation for conservation in the United States could be divided into the aesthetic and utilitarian streams, both human-centred, and the ecological stream which placed man in the biotic community. Powell argued that progress in the appraisal and management of the Australian environment reflected the variable development of these aesthetic, ecological and utilitarian streams of thought towards an increasingly more intimate and therefore more independently 'Australian' approach. There was a dominating utilitarian motivation, but the interlinkages of these three streams were maintained (Powell 1975;55). It was argued that it was necessary to see the early management of the Australian environment through the eyes of its creators to understand its origins and read the warnings it contains.

For the same reasons, it is also vitally necessary to examine the counteracting process by which certain groups and individuals gradually won some success in contributing towards the 'modernization' of what was then a type of 'underdeveloped' country by promoting important principles of conservation and resource management and by injecting what they called 'efficiency', 'expertise' and 'system' into the working of public policy. For the period after 1860 the most tangible result of the latter process was the emergence of distinct bureaucratic agencies for various aspects of resource management, a peculiarly neglected field of research for this heavily bureaucratized nation (1975;56).

This is still, twenty years on, a neglected field, but one with particular relevance today given the proliferation of histories concentrating on the failures of past systems of exploitation while neglecting the role and influence, or even existence, of sophisticated systems which attempted to manage this exploitation.

2.3 ENVIRONMENTAL DEBATE: UNDERSTANDING TODAY

At a time when the management of Australian landuse and the physical environment is under increasing scrutiny, it is important to improve our scant understanding of management in the past.

Changing social values and evidence of continuing land degradation throughout Australia have led to resurging concern about the impact of European landuse on the physical environment and its ability to sustain economic production. In the Western Division of New South Wales alone, land degradation through dryland salinity, soil erosion, habitat and species loss and the invasion of weeds have been identified in recent times (Murray-Darling Basin Ministerial Council 1987). There continues to be a search for understanding and ways to better adapt to the physical environment. This concern is reflected in the very large body of recent research into the physical bases of landuse and land degradation in Australia (see Australian Science and Technology Council 1990). In response to concern over land degradation, loss of biodiversity, and economic and social difficulties in the rangelands, a national strategy for rangeland management is being developed (National Rangeland Management Working Group; 1994). In future, Australia may have to continually adapt the way our land is seen and managed. Changing social, economic and perhaps climatic conditions and expectations may make current landuse systems redundant or subject to modification.

Landuse and land degradation are the products of decisions and processes that are both imposed on and influenced by the environment. A human activity, landuse is based on a unique complex of social, cultural and political institutions and experiences operating at scales ranging from the individual through to the global. Landuse does not passively reflect the prevailing social institutions, but becomes a fundamental part of them, manifest in the nature of the region and in government and society. Impediments to landuse change may be tenacious. The Senate Standing Committee on Science Technology and the Environment noted in 1984 that from the late 1930s through to the present land degradation has been repeatedly described by parliamentarians as a most serious environmental problem facing Australia, and that numerous committees had recommended the implementation of a national landuse policy but that little or no action had been taken (Commonwealth of Australia 1989;2).

Many impediments to landuse change are economic, political and social rather than products of deficiencies in technology or knowledge. Appropriate adaptation of landuse will require changes to wider social institutions as well as to local and regional activities. It is important to know what may constrain public and private managers from adapting or wanting to adapt prevailing landuse systems. The *Final Report of the Ecologically Sustainable Development Working Groups* acknowledged the need to investigate the use of government regulation as well as the ecological bases of sustainable systems of agriculture (Commonwealth of Australia 1991;2). The *Decade of Landcare Plan Draft Commonwealth Component* considered the establishment of institutional arrangements, policies and planning processes necessary to avoid future degradation as a requirement for sustainable landuse (Commonwealth Department of Primary Industries and Energy 1991;1). In recent times various government, quasi-government and private bodies throughout Australia have sought

through direct and indirect means to increase their influence on public landuse in response to changing social objectives.

If the wide calls for the implementation of more sustainable systems of agriculture are to be met, we need to know what elements of our past systems and structures made them so intransigent. If there is a fundamental incompatibility – a crisis – between our structures of exploitation and the exploited environment, it is important that the anatomy of the crisis be dissected and described. After 1901 the New South Wales Government, largely through the Western Land Board, had a major and direct role in managing landuse in the Western Division. It sought to preserve and further pastoralism while controlling the environmental impacts that threatened the industry. The Western Land Board had this role partly because the effects of European landuse on its supporting environment were obvious and great early in the history of the West, so marginal for economic production. Landuse in the Western Division has depended clearly and directly on its environmental capital, mainly unimproved natural pasture. Since 1901 the public management of the Division has tried to integrate ecological, social and economic management.

The study illuminates contemporary questions about the ownership of land and the role of the public sector in its management. The pastoral industry in the Western Division has, from its beginnings, uncertainly tried to reconcile the demands of pastoral production in a Western economy with the demands of a semi-arid and arid environment. Pastoralists have encountered periods of prosperity interspersed with periods of environmental and financial decline and crisis. In large measure the problems identified in 1901 continue: the degradation of native pasture, soil erosion, noxious plants and animals and rural debt and poverty. These problems have been common in semi-arid pastoralism throughout Australia. The Government of New South Wales has had a major and formal role in trying to reconcile the demands of the environment of the Western Division with a capitalist pastoral industry. The appropriateness of the European use of the rangelands of Australia has been a controversial issue throughout the century and remains so. This is perhaps because here, in land marginal for economic production, some of the deleterious effects of European landuse on future production and the environment have been apparent for a century. Many of the constraints, as cultural, are enduring and continue to influence the management of the West and places like it. It suggests to the modern reader that lessons have not since been learnt, or at least successfully put into practice. An understanding of government management is central to one of the biggest questions of landuse in Australia today: whether sustainable semi-arid pastoralism is compatible with a western market economy.

This study may inform us about the relationship between different scales of land management; local, regional and state. Studies of the evolution and mechanisms of the public management of landuse at the regional scale are rare, despite abundant literature on the physical and economic consequences of these systems of management. An understanding of the role of exogenous pressures in defining the nature of landuse management in the Western Division may contribute to the debate about the devolution of responsibility of land management to local government and community based organisations.

2.4 SOURCES

To explain the public management of the Western Division, I examine processes and events at different scales. Themes of conflict are central to my explanation. There were conflicts over the possession of the West between the Government, pastoralists, small settlers and the landless through time. There were related conflicts over the place of the Western Division in New South Wales. I also examine the changing knowledge of the West in the State. To understand these themes requires an iterative examination of processes and events at different scales: New South Wales, the region and in some cases the local. Processes and events in New South Wales as a whole that were important to the management of the West can be constructed from mainly secondary sources. A rainfall record for stations in the Western Division that is accurate for the purpose of this study can be reconstructed. Within this framework, the formation and implementation of the legislative and regulatory system that formally managed the West can be assessed. The contribution and response to this management from different and often divergent groups in the Western Division and at some localities within it are examined. The intent is to reflect as fully as possible the complexity of the formation of the public management of the Division.

The basic course and background of the occupation of New South Wales and the West, particularly in the nineteenth century, has been intensively covered by authors such as Heathcote, Butlin, Roberts, and Bailey. This study draws on these authors for an understanding of this period. Journals of learned societies, newspapers and parliamentary papers indicate the changing knowledge of the West in the 1880s and 1890s. The extent of the commentary on the Western Division in this period reflects the importance of the pastoral industry and the severity of the problem of the West.

Formal landuse management policy in the Western Division was ultimately set by the Parliament of New South Wales. Parliamentary debates on legislation affecting the Western Division, particularly the Western Lands Act, reflect the intent of the Government and suggest the position of competing interests. The decisions of the Parliament compromised, in whatever balance, different public and private interests both inside and outside the Western Division. The enforcement of the Acts of Parliament and their regulatory success clarify details of the relationship between the region and its legislators. Parliamentary debates and decisions were often informed by official inquiries, frequently containing details of conditions in the Western Division and various opinions on appropriate landuse management. The annual reports of the Western Land Board outline the evolution of official policy in the Division. The decisions of Parliament were not based solely on its own enquiries. A record of public debate on government policy toward the Western Division survives in the Sydney and local press and in pamphlets and the journals of various learned societies. The extent of this information is a legacy of the historical importance of the pastoral industry.

The correspondence of the Western Land Board is the main source of information on the administration of the Western Lands Act and of the relations between the Board and the wider Government of New South Wales and the pastoralists of the Western Division. The correspondence received and sent by the Western Land Board between 1902 and 1935 has been used. The correspondence covers all aspects of the public administration of pastoralism in the Division and includes lease applications,

applications for rent revision due to hardship, and correspondence relating to the withdrawal of land under the Western Lands Acts. It contains correspondence between the Western Land Board and Ministers for Land, Members of Parliament and other government instrumentalities. It also contains correspondence between the Western Land Board and individual pastoralists and pastoralists' associations discussing conditions in the Western Division and various policy measures. The Board's correspondence reveals many of the informal influences on the public management of the West. Internal minutes and reports outlining the development of policy also exist. Major decisions about the management of the Western Division and controversial negotiations with Ministers are sometimes absent from the records. They may have been conducted informally. Confidential material may have been removed. The Western Land Board employed surveyors to report on the condition of leases, the fulfilment of lease conditions and to recommend rents. The reports of surveyors between 1915 and 1940 have been used. They contain general comments on the condition of the West.

The responses of lessees to the public management of the Western Division, and their contribution to its change, are evident in the records of organisations representing their interests. The perceptions and responses of the Government were strongly influenced by the opinions of Western Division pastoralists, usually articulated through their representative organisations. These organisations were, with the press, a main way that opinions in the Western Division were shared and communicated. Reflecting the importance of the industries they represented, these groups strongly influenced Parliament and the Western Land Board. Importantly, they influenced how pastoralists viewed their own position. They also influenced the perceptions of the general public. Individuals, with rare exceptions, had no alternative to farmers' and graziers' organisations to influence public management. The Pastoralists' Union, later the Graziers' Association of New South Wales, represented many Western Division Lessees. The *Pastoralists' Review*, mouthpiece of the Graziers' Association, has also been much used for its commentary on pastoral issues. The Pastoralists' Union was established to fight the demands of newly unionised rural labour in the 1890s. Over time the Association became an advocate for the general interests of graziers in New South Wales. It was a highly organised and powerful body. The records of the Graziers' Association of New South Wales from 1890 to 1940 used include the correspondence of the organisation and minutes of meetings and annual conferences. Limited records of local committees of the Association in the Western Division survive and have been used.

The Pastoralists' Association of the Southern Riverina, based in Melbourne, and the Pastoralists' Union of West Darling, initially based in Adelaide, began in the 1890s for the same reasons as the Pastoralists' Union. The Associations were closely affiliated with the Graziers' Association of New South Wales but reflected the close affinity of the areas they served with other States. Another important representative of pastoralists was the Western Lessees' Association, a body that was only active during times of controversy. No records of these organisations themselves have been used. However they routinely exchanged correspondence and reports with the Graziers' Association whose correspondence survives.

The records of organisations representing small lessees and aspiring landholders in the Western Division are less complete but fundamental to an understanding of the management of the Western Division. Various Homestead Lessees' associations, settlers' associations and branches of the Farmers' and Settlers Association were directly interested in the management of the Western Division. The attitudes and activities of these groups have mainly been gleaned from reports of their activities and meetings in local newspapers. Local newspapers were also an important source of information on the Western Lessees' Association. These organisations represented broad and sometimes conflicting interests inside and outside the Western Division. The representatives and representations of these organisations could not reflect this diversity. Certain individuals and groups within these organisations set their agendas. The Parliamentary representatives of the Western Division were also important conduits through which the interests of the landless and small settlers were powerfully represented to the Parliament and the Western Land Board. Many of their representations survive in the correspondence of the Western Land Board.

Some local newspapers contain much evidence about conditions in the Western Division and local responses to these conditions and to public management. Newspapers were one of the few connections some in the West had with the wider State. They were also one of the few vehicles for local and regional debate. The most useful of the newspapers was the *Hillston Spectator*. Based in Hillston, a regional centre adjacent to the Western Division on the banks of the Lachlan. The *Spectator* contains reports of organisations representing large and small lessees from the Western Division. The *Spectator* also reflected the opinions and reactions of those without land, or with land in the Central Division, to the condition of the West and its management. The *Spectator* served both pastoralists and the landless and remained relatively unbiased, even if sometimes hostile to the Labor Party. It also contained substantial editorial content and articles commenting on local conditions. Other local newspapers have been used. Some were clear advocates of particular interests. Many had little editorial comment and articles about local matters. A number of newspapers have been used to verify important events.

Understanding environmental change and variability is more problematic. Rainfall records for many Western Division meteorological stations commenced in the late nineteenth century. Although a high proportion of the rainfall of the region occurs in scattered events, useful generalisation over space are possible. In most areas there is little agreement about the effects of 150 years of pastoralism on the environment of the Western Division. The records of some pastoral properties have been sufficiently detailed for accounts of local environmental change since settlement to be reconstructed (see for example Harrington *et al.* 1979, and Williams and Oxley 1979). Most such attempts have concluded that degradation has been significant and is continuing. Limited Pastoral and Homestead Lease records, such as appraisal papers and surveyors' reports have been used to gain insights into environmental changes in the 1880s although not enough were used to comment conclusively on these changes. The diversity of the environment of the Western Division makes generalising from individual studies and records difficult. However, major impacts on pastoralism by noxious weeds and animals, extreme erosion events and extensive changes to vegetation composition may be identified from historical records.

Widespread changes to vegetation composition such as the replacement of perennial shrubs with annual grasses have been recorded.

Little information has survived on the Pastures Protection Boards of the Western Division in official archives. The Boards were an important part of the management of the Western Division, but one that is virtually unstudied. The correspondence of the Western Land Board contains items from and to these organisations which allows some conclusions to be drawn on their operation. Their meetings were often reported by the local press.

Part of this assessment involved looking at alternative management practiced at other times and in other places. There were close parallels between the public management of pastoralism in New South Wales and South Australia and Queensland. The management of the Western Division did not occur in isolation, but drew on and contributed to the way pastoralism was managed in other States. The different States were eager to maintain the relative attractiveness of their pastoral land to settlers and capital.

2.5 FOUNDATIONS – CULTURE AND ENVIRONMENT

It is necessary to introduce some concepts central to the themes of this study which form a basis for the arguments pursued.

Possession, Land Rights and Tenure

The concept of the ownership of land has been a central part of the culture of landuse in New South Wales. Freehold, now the usual tenure, is the most complete transfer of property rights from the State. In western New South Wales most land was leased from the State, giving the landholders lesser, though still extensive, formal rights to the land. But since the earliest years of settlement, very strong notions of ownership developed amongst pastoralists of the West. In some periods and circumstances the Government shared their enthusiasm over their ownership and independence, reflecting the entrenched acceptance of the benefits and rights of private possession. Lessees developed informal rights to the land. To use the land was necessary to fully own the land.

There is a strong commitment to private property in European thought, many strands of which influenced the management of the Western Division. Under the theory of first occupation, the first possessor of property has a superior claim to all subsequent possessors (Teh and Dwyer 1992;2-7). It has also been argued that private property is necessary for the expression of human personality and the fulfilment of human aspirations. To Hegel the denial of private property could fetter human personality by blocking the freedom of will to have, hold, give and share. Private property was a basis for social freedom (Denman 1978;22). The labour theory of Locke and Henry George justified property on the basis that it rewarded the investment of labour. George wrote:

No matter what are its capabilities, land can yield no rent and have no value until some one is willing to give labor or the results of labor for the privilege of using it . . . (George 1879;166)

Locke wrote in *Of Civil Government*:

Every man has a property in his own 'person'. This nobody has any right to but himself. The 'labour' of his body and 'work' of his hands, we may say are properly his. Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labour with it and joined it to something that is his own and thereby makes it his property . . . Thus labour in the beginning gave a right to property (in Denman 1978;18).

Bentham's justification of property was its usefulness and rights over property were rules of utility defined by law. This usefulness included access to wealth and happiness (Denman 1978;19). It ensured the most efficient use of resources. Young has concluded that the general transfer of land and other natural resources from the State to private hands has in most cases been based on the philosophical justification that the individual is the key element of society, and private ownership of land and natural resources can be expected to contribute to the development of human dignity and the maintenance of political freedom. Free enterprise has also been expected to lead to the emergence of a competitive market in natural resources leading in turn to socially optimum results with respect to the use of the resources (Young 1981;7).

Under the English law substantially inherited by colonial New South Wales the right to possess land, or title, is conferred by the State through the formal authority of the Crown (see Butt 1988;3). But absolute rights of ownership are never extended; the State always retains an interest in land and certain proprietary rights over it. The concept of property refers to the relationship between a person and a physical or intangible thing with regard to other persons (Teh and Dwyer 1992;2). It is a social institution. Property rights over land have, similarly, been defined as formal expressions of authority between persons and groups of persons (Denman 1978;101). They are rights to interests in the land and not absolute ownership. Interests in the land are often described as a 'bundle' of rights: privileges, and powers such as the right to use, sell and exclude others. More than one person or group may have interests in the same land (Teh and Dwyer 1992;2). The bundle is divisible. In Australia the legal right to possess land, or title, originates in express documentary grants from the Crown (Butt 1988;3). It was clearly established by 1847 that nobody granted land from the Crown 'owned' the land in any absolute sense; all land was held of the Crown in accordance with the feudal concept of tenure (Butt 1988;43). This principle still applies. Denman has defined land reform as the reorganisation of property rights over land between persons as members of classes in a social order (Denman 1978;5 and 101).

Interests in land may be granted to individuals and groups by the State under various forms of tenure. Land tenures are constructs of law; legal classifications and formalisations of property rights. Tenancy in fee simple, the most common freehold title represents the most complete transfer of interests in land from the State. It is an estate of unlimited duration. The owner of the title may freely convey it to another (Teh and Dwyer 1992;42). Even this form of tenure does not confer absolute

ownership. This remains vested in the Crown which may, for example, resume land and restrict its use in the interests of public safety, health, natural resources and social harmony (Teh and Dwyer 1992;7). In other words the State may assert its own proprietary interests. Interests in land may also be transferred by the State under Crown land statutes. Tenures under the statutes include leases with prescribed terms, perpetual leases, and various forms of conditional purchase (Butt 1988;595-8). Conditional purchase is the term purchase of the freehold title to land on the fulfilment of conditions such as residency. There is no simple distinction between freehold, leasehold and other forms of tenure in Australia. The precise nature of the interests in the land transferred by the State under such statutes are formally described in leasehold documents and, more generally in land law.

The rights to land granted by States reflect the nature of the society. Australian States, reflecting their English origins, have generally ultimately granted freehold title over land, conferring extensive rights in the land to private parties. Concepts of communal rights to land and tenures encapsulating them were not developed. But a high level of State participation in land settlement and improvement did develop and was reflected in land tenure. Tenures under Crown land statutes proliferated in the nineteenth century. The tenures were granted on a variety of conditions such as that the purchaser or lessee live on the land and improve it. Commonly, government approval was required to transfer or sell interests in the land (Butt 1988;54 and 595-601).

In time, the number and complexity of such tenures increased enormously, as did the condition on which they were held, leading to a multiplicity of tenures and tenorial incidents of a complexity reminiscent of English feudalism at its zenith (Butt 1988;54).

Rights over land in the Western Division were conferred almost exclusively under these Crown land statutes.

In common historical usage land held in fee simple was said to have been 'alienated' from the Crown. Although strictly to alienate means more generally to transfer an interest in property (Butt 1988;7), the historical usage is preferred in this thesis. For simplicity and clarity the term freehold is taken to mean tenancy in fee simple. Although all land is strictly Crown land, the term was popularly used for land held under the Crown land statutes or land in which no interest had been transferred to a private party (vacant Crown land). Thus land held under the Western Lands Act was Crown land. Crown land was often called the 'public estate' a term that highlighted the extensive interests that the community, through the State, held in the land. A distinction is made between leases under Crown land statutes, or Crown leases, and private leases which are essentially a business transaction where the use of land is hired (Butt 1988;218).

'Informal Property Rights' and Using the Land

The provisions of a land tenure may not, for many reasons, reflect the wants and needs of either the State or the holder of the tenure. Tenure provisions are partly the product of complex negotiations occurring throughout society. Over time, the interests of groups in the State or those with title to land may change and the

specifications of a land tenure may become inappropriate. The suitability of a land tenure may vary over space as well as time but tenures, as broad legal constructs, are usually applied uniformly over different places. A formal agreement over proprietary rights that the tenure represents may not match the perceived needs of the parties concerned. Adaptations may be made to accommodate this mis-match of interests. Some of these adaptations will be accommodated within the formal confines of a land tenure. Its provisions may, for example, be interpreted differently.

While property rights are usually defined as the product of formal negotiation and legitimisation in the law, it is useful in this study to introduce the conceptual tool of 'informal property rights'. The legal articulation of a relationship may not define the totality of that relationship. Informal property rights are expressions of authority negotiated between persons or groups of persons unsanctioned by law. They are extra-legal in nature – although they may equally be illegal. The legitimacy of informal rights may come from shared cultural precepts such as the importance of individual autonomy. An example may clarify the notion. The negotiation of property rights between the State and an individual or group may be formalised in a tenure which specifies the proprietary rights of the parties. A further informal process of negotiation may lead to the circumvention or alteration of this formal articulation. While there may be no formal agreement between the parties, such as a lease document, these negotiations may be legitimised by cultural or popular expectations. The negotiations need not be overt, they may take the form of tacit agreements or conventions between parties. Informal property rights reflect the dynamic relationships among those with proprietary interests, who may include the State, individuals, or groups of individuals such as pressure groups. A formal agreement between holders of proprietary interests may not be upheld for many reasons. An explicit or tacit agreement between the parties that interests will not be upheld would constitute the development of informal rights. Alternatively, interests might not be upheld due to some constraint. In this case there is no agreement, and so no informal rights. However the neglect of interests in the land over a long period may often lead to an understanding that this state of affairs will continue. The notion of informal property rights describes a new or additional agreement between proprietary interests. It is an active concept. The conditions placed upon pastoralists in the Western Division through leases were the product of complex formal and informal negotiations between diverse public and private interests. The enforcement of these conditions was a similar, though more subtle product of negotiation.

The notion that land needed to be used to be possessed was embedded in English common law, under which occupation of land could confer rights of title. Through the process of 'prescription', rights to the title of another's land may be conferred through long occupation of that land. 'Limitation' imposes a time limit on a person dispossessed of land through another's use of it to recover possession by exercising their own interests in it. Prescriptive rights gained through long and continued possession of land can be regarded as good against the whole world, including those with an earlier claim of possession (Butt 1988;571-2). "It is based upon the premise that long-continued exercise of an apparent right creates an actual right: the law 'clothes the fact with right' (Butt 1988;572)." A prescriptive right could not be acquired where the use of the land was illegal, forceful, secret or by permission of the owner. The issue of a license, for instance would constitute permission. The use of the

land was, additionally, to be appropriate to the type of land (Butt 1988;577 and 582). The importance of this concept lies not so much in the exact nature of the legal principle of prescription, but in the notions of land and landuse that it represented, and represents.

Public Management

An interventionist and centralised government was introduced when Europeans occupied New South Wales. Unlike most previous British colonies Australia was settled under the close auspices of the British Government. Previous colonies had tended to be organised as business enterprises (Castles 1982;2). The State became involved in constructing and guaranteeing the relations of private ownership on which the labour market and capitalist production would rest (Connell and Irving 1992;38). There was thus a dual element to economic production and management in New South Wales involving a commitment to both public and private enterprise. Economic expansion sponsored by government was seen as a key to social development. In the nineteenth century there was what Butlin called "colonial socialism" – a virtual partnership between government and private business which continued until the beginning of the 1930s. Government involvement was seen by private interests to support rather than displace private interests (Butlin *et al.* 1982;11). This relationship depended upon both public action to attract capital and labour into the economy from outside and direct participation by government institutions in investment (Butlin *et al.* 1982;13). This intervention seems to have existed alongside a wide identification of political economy with *laissez faire* during the 1850s and 1860s, when economic laws were enthusiastically embraced by owners of property as justifying their success in the competitive struggle (Goodwin 1966;6-7). Power was strongly centralised. Government and private power were concentrated in Sydney and Melbourne, cities which rapidly grew in the nineteenth century and from which New South Wales was politically, economically and administratively controlled. The cities and their hinterlands represented a majority of the population, though a minority of the land.

The public management of the Western Division was more than the imposition of a set of formally prescribed rules. Pastoralism in the West was in part a cooperative endeavour between government and pastoralist. The Western Land Board and other bodies with an interest in the management of the Division rapidly evolved independent power and informal customs. Elements of their formal roles were overlooked or rejected. Others were neglected because of constraint or incompetence. Sometimes additional roles were informally assumed in response to the needs or demands of the Government or pastoralists. Some of the regulations the bodies administered were enforced strongly; others intermittently, selectively, or not at all. The Western Land Board itself was able to influence various other parties with interests in the management of the Division. The Board was ultimately answerable to the Parliament of New South Wales, but the Parliament's view of the Western Division was strongly influenced by the Board itself. The Western Land Board also influenced how pastoralists and the wider population of the State viewed the Division. These informal elements of the management of the Western Division are more difficult to assess than the formal because they must often be inferred from documents. The public management of the Western Division was not simply the

pursuit of some fixed Government agenda. Rather, it was a dynamic process where the preferences of many groups with different influence were resolved.

Class

Class differentiation and conflict was part of the makeup of New South Wales and was central to the management of the Western Division. One of the clearest manifestations of class in colonial society was the division between the landed and the landless. From the 1820s the most vigorous demand for labour came from the pastoral industry (Connell and Irving 1992:47). Pastoralists continued to try to maintain a cheap and plentiful labour supply. The organisations which were to represent the broad interests of pastoralists began in attempts to preserve cheap and compliant labour in the 1890s. Pastoralists in the West were highly capitalised and occupied large areas of land. There was a gulf between the status and power of the pastoralist and the worker and between the aspirations of pastoralists and what, loosely, might be called the middle classes in the State. Pressure for the intensification of landuse in the nineteenth century reflected, in large part, these differences. Pastoralists came to be seen to dominate not only an important factor of production but a resource which promised spiritual as well as economic liberation. The desire of the landless and their supporters to get access to areas held in large estates by a few was a rarely relenting pressure on the public managers. Yet there was no clear dichotomy between the values of the landed and landless. Much of the pressure to break up the large estates came from existing small settlers represented by organisations such as the Farmers and Settlers' Association who believed in the economic and social benefits of closer settlement. There was also almost constant pressure from smaller settlers in the Western Division and elsewhere for access to land withdrawn from large estates to supplement their often inadequate holdings. Yet small settlers seemed to have an ambivalent attitude toward the Labor Party and formed shaky anti-Labor alliances with organisations representing large pastoralists. Pastoralists' associations were not divorced from the wide enthusiasm for closer settlement and frequently gave the concept support. This struggle for a scarce resource – land – was fundamental to the definition of the public management of the Western Division. The broader class divisions in New South Wales society were vital to the definition of the form of political alliances and relationships which set much of the political environment of management.

2.6 DISPOSSESSION AND POSSESSION

In the early years of the European occupation of New South Wales the nature of pastoralism was defined and many of the assumptions of, and conflicts over, rights to the land became embedded. When Captain James Cook brought New South Wales into British possession on 22 August 1770, a complex web of English law was imposed on the land (Oxley-Oxland and Stein 1985:85-6). Progressively the European culture that this legislation represented also imposed itself on the land of New South Wales. The culture adapted in the process, but remained radically different than that of the dispossessed Aborigines. Relations between people and between people and the land changed over time and often involved conflict. Aspects of these relations still strongly influence landuse and its management. For this reason the early development of pastoral landuse and legislation is explained. Many of the practical conditions of

settlement, like the basic tenure types were established in the early years of settlement.

A dominant theme in the management of the Western Division was to be the ownership of the land, and the dispossession of the Aborigines demonstrates the roots and strength of the concepts of possession. The colonisation of Australia was justified on the basis that the Aborigines had never been in possession of the land as defined by the English and international law of the time, giving the British the right to claim the land for the Crown. It was "wasteland" (See for example Castles 1982;28-31 and 515 and Oxley-Oxland and Stein 1985;88-9). The morality and legality of this claim have been under question since.

Reynolds has argued that the concepts of possession in English common law and international law under which Australia was colonised were misapplied; that the Aborigines were in legal possession of Australia (1987;19-21). This was the basis of the High Court's *Mabo and others vs Queensland* case of 1992. Furthermore, Reynolds has argued, Aboriginal title to the land was recognised by the British Colonial Office but this recognition was frustrated by settlers, governments and courts in a country that had developed a history and agenda of its own (1987;102 and 140).

The dispossession of the Aborigines, whether or not it was 'legal', reflected the European concept that the use of land confers rights to that land. The private use of land by early squatters beyond the control of the central Government threatened, ironically, the rights of the Crown itself over the land. They developed strong assumptions of ownership over the land. Later, in the Western Division, a perceived lack of effective use of the land by large pastoral lessees was seen by many to diminish their rights to the land. To use the land was to possess the land.

Government and Squatter: Authority and Possession

The Government of New South Wales opposed, for a number of reasons, the unauthorised occupation of Crown land by squatters who were using the vast vacant areas of the Colony for pastoralism. The squatters threatened the Government's right to possess and use the land as it saw fit. In 1826 a Government Order established "limits of location" which defined the area within which settlers were permitted to select land (Clark 1950;225). The Secretary of State for the Colonies wrote to Governor Darling in 1831 that:

Nothing could be more unfortunate than the formation of a race of men, wandering with their cattle over the extensive regions of the interior, and losing, like the descendants of the Spaniards in the Pampas of South America, almost all traces of their original civilization (Philipp 1960;176, in Heathcote 1965;35).

Governor Bourke was concerned that unauthorised occupation not be permitted to continue long enough to create any title to the land in the occupier. The absence of 'settlement' and familiar 'use' by the Aborigines had meant they were seen to have no rights to the land. Ironically the Government feared that the unauthorised settlement of the Crown lands could eventually give the squatters rights to the land they occupied at the expense of the interests of the Crown. In 1833 Governor Bourke introduced "An Act for protecting the Crown Lands of this Colony from encroachment, intrusion

and trespass" to prevent the unauthorised occupation of Crown lands being considered as giving any legal title to them (4 Will IV, No 10). The Act also provided for "Commissioners of Crown Lands" to be appointed to protect the interests of the Crown on these lands.

But the Government could not control the outward push of squatters and an Act of Council of 1836 legitimised the occupation of Crown lands by squatters and reaffirmed the rights of the Crown over the land (See King 1957;46-8). The Act, "An Act to restrain the unauthorised occupation of Crown Lands", recognised that the continual occupation of the lands was derogatory to the rights of the Crown (7 Will IV, No 4). Bourke was also concerned that the established landowners of the Colony were monopolising the squatting lands under their own terms and he did not wish to unduly favour this class. Government control of squatting was a way to encourage more equitable access to the Crown lands (Roberts 1935;80-2). The Act introduced depasturing licenses which gave squatters the right to graze their stock on Crown land outside the limits of location in return for an annual fee of ten pounds (King 1957;47). By accepting licenses to graze, the squatters were acknowledging Crown title to the land. The 1836 Act also attempted to introduce some social and legal order to the Crown lands. The Act made it illegal to occupy Crown lands outside the limits of settlement without a license.

The occupation of large areas of land by squatters, licensed or not, conflicted with the Wakefieldian ideas current at the time. In Britain and Australia an influential body of opinion saw colonisation as an outlet for the unemployed of Britain and considered that the indiscriminate occupation of vacant lands by squatters would interfere with any attempts to settle the land in controlled circumstances (Heathcote 1965;35). The concept of 'sufficient price' for land was central to the Wakefield ideas. The correct price for land would be high enough to prevent the labourers in the Colony from too quickly becoming landowners and denying the capitalist labour. It would also allow immigration to be funded (Roberts 1924;80). Grants of land by the Crown helped neither capitalist nor labourer as it meant undue dispersion of settlement. Disposal was to be by sale (Roberts 1924;79). The 1836 Act was passed but initially opposed in London because the release of land at a nominal license fee was incompatible with Wakefieldian ideals, especially since land cost a pound an acre in South Australia (Roberts 1924;80-8).

Further attempts were made to restrict squatting in 1839 (2 Vic, No 27). The area that squatters could legally occupy was limited. Land beyond the limits of location was divided into "squatting districts" and depasturing licenses could only be obtained within their boundaries. Squatting beyond these districts was illegal. A Commissioner of Crown Lands was to be appointed to each district to keep the peace and to protect people and property.

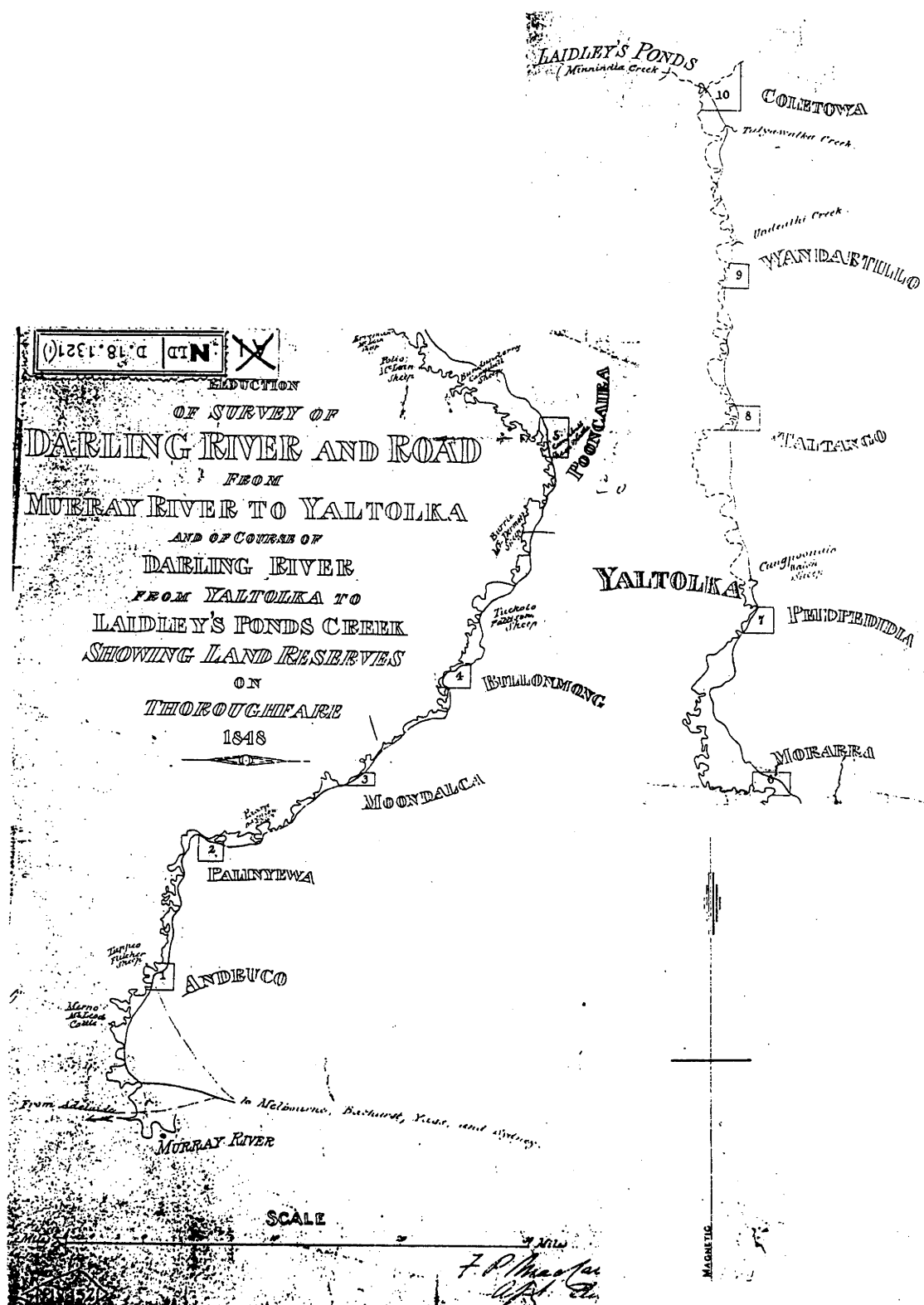


Figure 2.1 Reduction of the Survey of the Darling River from the Murray River to Laidley's Ponds (Now Menindee), drawn by Surveyor F.P. McCabe, 1848.¹

¹ SANSW, AO Maps 2550 and 2551.

The struggle of the Government to assert its rights of possession continued in the 1840s. By then unlicensed squatters were moving beyond the usually ill-defined frontiers of the squatting districts and into what is now the Western Division (Orlovich 1983;391). When F.P. McCabe surveyed the Darling River about 1848, he recorded squatters on the Darling frontage from the junction of the Murray River to about where Menindee is today. Figure 2.1 shows the reduction diagram of that survey. The Commissioners were instructed not to authorise the occupation of lands they were unable to protect but there was no effective way to stop it (Orlovich 1983;393-6). The possibility of large areas then used for grazing being alienated from the Crown was stopped in 1842. "An Act for regulating the Sale of Waste Land belonging to the Crown" set the lowest price at which Crown land could be sold at one pound an acre (5 & 6 Vic, c36), a price far above the real value of grazing land.

It was the possibilities of the future that counted, and [Governor] Gipps was not prepared to admit that value for sheep was the final value. To the contrary, holding that such lands should be kept intact for the future, he would rather stand against all alienation (Roberts 1935;288-9).

To the consternation of Gipps, the power of the squatters was increased by the new elected Legislative Council in 1843 and he asked the Colonial Office for discretionary power to override the Council. He feared they would "seek to appropriate to themselves the Lands of the Crown" (Roberts 1935;293).

By the mid 1840s it was difficult to collect rents and there were great arrears owing. Squatters were tending to regard their runs as their property (King 1957;52). Gipps was still concerned over the absence of control and civilisation in the squatting districts, the lack of improvements to the "wilderness" and the maintenance of the rights of the Crown over the land beyond the boundaries as against the rights the squatters assumed through long occupation (Gipps in Clark 1950;244 and King 1957;58). Gipps tried to exercise greater control over the Crown lands in 1844 through the Occupation Regulations and Proposed Purchase Regulations. Squatters objected strongly to these regulations (Roberts 1935;289-91). W.C. Wentworth in a speech before a protest meeting explained that:

It was true, no doubt, in point of law, that these spacious domains, which formed the squatting stations of the country, did vest in the Crown . . . but the Crown was but the trustee for the public. It was evident that all the value of this country, whether of the city or of its remotest acres, has been imparted to it by its population; and consequently the country itself is our rightful and first inheritance . . . these wilds belong to us, and not to the British Government . . . (in King 1957;59)

The regulations were never legislated.

In the 1840s, applications for licenses for land at the edge of the Western Division were still judged to be beyond the protection of the Commissioners of Crown Lands – they remained the "wastelands". But settlement continued. In 1848 a cautionary note was issued stating that although it might be impractical for the Government to remove unauthorised squatters, they would be given no preferential claim to leases of the

lands they occupied (Orlovich 1983;411-2). According to Orlovich, the removal of unlicensed occupiers of Crown lands was difficult, and in January 1857 the Chief Commissioner informed the Secretary for Lands that the power of the Crown to repress trespass on the Crown lands was at an end except by resort to the tedious and uncertain process of the Supreme Court (1983;472-3).

Government, Squatter and Selector

In 1860 the squatters remained in control over the Crown lands of New South Wales and in conflict with the interests of the small farmers and landless. Through the 1850s there was agitation for small settlement and wider opportunity for land selection (Roberts 1924;222). The increased population due to gold rushes exacerbated the conflict between those wanting land and the squatting interests (King 1957;72). The power of the squatters was also in conflict with values dominant in the Government of the day. There was an ideal that property should be widely spread throughout the community and that the State should cease favouring one class and act according to justice and equity. This would promote the interests of the individual and the interests of the Colony (Baker 1964;119 and Clark 1978;139-40). Sir John Robertson's Land Acts of 1861, superseded all previous legislation and became effectively the land law of New South Wales until 1884 (King 1957;80). The legislation was intended to allow wide access to the large tracts of Crown land controlled by squatters through free selection. The objective was to increase freedom of access rather than to guarantee access. Robertson's Acts attacked the privileges of the squatters in accordance with the liberal ideals of *laissez faire* and equality of opportunity (Baker 1964;122).

There was wide support for the reforms. Powerful government interests also opposed the squatters' possession of large areas at low rents. Most of the parliamentary majority dedicated in 1861 to land reform were from the middle classes (Baker 1964;111-2). The middle class support for land reform was based on the objection to the domination of the squatters and the impediment to commercial wealth of the extensive squatters (Baker 1964;104 and 114 and Loveday and Martin 1966;32). In 1858 New South Wales adopted manhood suffrage and vote by the ballot and this allowed working class people, predominantly of Sydney, to provide electoral support for reform (Baker 1964;111-14).

Under the Crown Lands Alienation Act, 1861, anyone could select from forty to 320 acres of almost any Crown land at one pound per acre. After residing on the selection for three years and improving it, the selector was entitled to freehold title (King 1957;81 and Roberts 1924;223). The Act worked on the principle of 'free selection before survey'. Selectors were free to choose land before it had been surveyed to overcome delays and malpractice by the Survey Department which had previously impeded small settlers (Baker 1964;110).

Under the Crown Lands Occupation Act, 1861, rents and the areas of new leases of Crown lands were reduced (Roberts 1924;225). Leases were to normally be twenty-five square miles (16,000 acres) but could be up to one hundred square miles (64,000 acres) if extra land was needed to keep a minimum of 4,000 sheep or 800 cattle in average seasons (s 14). The Act encouraged the improvement of the Crown lands.

Lessees who permanently increased the carrying capacity of their runs were entitled to concessions (s 15). There was also provision to order the land. The boundaries proposed in any tender for a run could be changed

... so as to make the run a compact block of rectangular form in which the external lines shall run east and west and north and south subject however to such deviations as the general features of the country and the adoption of natural boundaries may require ... (s 14)

The 1861 Crown Land Alienation Act failed in its primary objectives but remained largely intact until 1884. It was not considered to have encouraged genuine settlement or stabilised the position of pastoralists (Roberts 1924;230 and King 1957;82). King also claimed that the legislation was most carelessly administered. The operation of these Acts, their corruption through practices such as 'dummying' and 'peacocking' and the animosity they inflamed between squatter and selector are part of Australian folklore and have been examined in detail by Roberts (1924), King (1957), Heathcote (1965) and, more recently, Gammage (1986).

Both squatters and selectors vehemently demanded land reform (King 1957;91). Robertson's legislation had failed to settle either small graziers or agriculturalists on the central and western plains (Heathcote 1965;44).

A crisis had come in the land history of the colony and the people realised the folly of the huge class struggle involved in free selection. Henceforth, limited selection and more and more Government control were the keynotes in land policy (Roberts 1924;232).

2.7 SOME ENVIRONMENTAL BASES OF PASTORALISM

The environment of the Western Division is marginal for economic production. Pastoralism in the West has always intimately and directly depended on the condition of the physical environment. An understanding of the basic characteristics of the environment is needed to understand the history of pastoralism.

Pastoral Production

New South Wales was wedded to a capitalist system of production with its attendant cycles of 'boom and bust'. With its origins in colonial expansion, New South Wales rapidly developed a reciprocal economic relationship with Britain. British capital, labour and technology formed the basis of initial economic development, much of which went into the production of commodities to feed British industry as well as domestic consumption. Efficient administration and the rapid development of the Colony's material resources was the ideal of almost all parliamentarians when responsible government was introduced in 1856 (Loveday and Martin 1966;149). There was an early doctrine of progress as capitalist expansion. Social prosperity would come from economic progress (Connell and Irving 1992;67). Wool, the mainstay of the pastoral industry was (and remains) a commodity particularly prone to price fluctuations on an international market.

The system of production inherited by New South Wales was ill-fitted to pastoralism in the dry rangelands. Pastoralism, developed in an environment of low productive risk and uncertainty, was transposed to one of high variability and apparent capriciousness. The wool trade was firmly established by the 1830s and pastoralism typically required much capital and had a high ratio of capital to labour (Pomfret 1981;136). Economies of scale in the industry further advantaged large capital investment. Pastoralism often relied on capital external to an enterprise which demanded consistent returns. Although pastoralism was adaptive its legacy was clear in its basic form. Despite the variability inherent in the production of pasture in semi-arid and arid environments and in wool prices, the pastoralism that developed in the Western Division relied on stability. Consistent economic returns were needed to finance capital and running costs which did not cease with the production of pasture. The land became property that was fixed in space and time, a demand of the existing ideas of ownership, land tenures and fixed 'improvements'. Through history, and before, the common response of pastoralists to conditions temporarily unsuitable for occupation in semi-arid and arid environments has been to move. This option, with limited exceptions, has been unavailable to Western Division pastoralists since about the 1860s because of tenure and capital arrangements developed in a culture based on settlement and individual ownership. The *concept* of private ownership was to prove central to the management of the Division, even though it remained under a leasehold tenure.

Stability is not a feature of the semi-arid and arid Australia. In the Western Division, moisture availability is usually the limiting factor for vegetation growth. Rainfall is highly variable in the short and long-term. It is highly spatially variable. This variability is, further, largely unpredictable. The production of pasture is consequently highly variable and may effectively cease for long periods. The physical environment of the Western Division changed, often unexpectedly, with the imposition of pastoralism. Introduced plants and animals directly and indirectly changed the vegetation and soils. European landuse largely usurped that of the Aborigines. Fire regimes were changed, further altering the ecology of the West. Some of the changes absolutely reduced available pasture or increased its variability with changing stocking and climatic conditions. The composition of the native pastures has changed over large areas of the Western Division. These changes did not occur with the introduction of pastoralism and then cease. Rather the changes have been continuous as the dynamics of the environment have been altered. They have affected different parts of the Division in different ways. In this marginal environment these variations have had a great effect on the pastoral industry and its management.

Aridity, Variability, Unpredictability

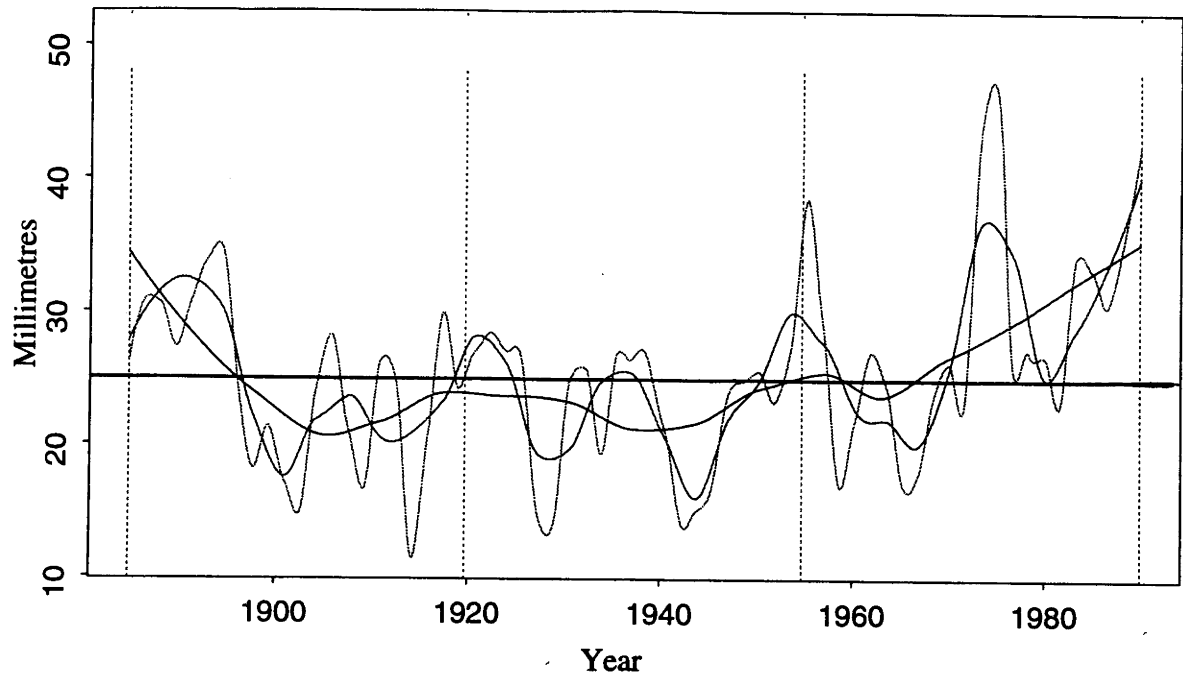
The Western Division is semi-arid to arid and the rainfall is highly variable and in some areas seasonal. The arid zone is defined as the area with an annual median rainfall of less than 350 mm for areas with summer maximum rainfall and less than 250 mm for areas with uniform rainfall or winter maxima. The arid zone extends to just east of the Darling River (Division of National Mapping 1986;19). The median annual rainfall is 198 mm in the Far Northwest; 244 mm in the Lower Darling; and 339 mm and 340 mm for the Upper Darling and Southwest Plains respectively. The figures are derived from selected long-term stations within the districts dating from

1913 (Lee and Gaffney 1986;2). The southern extreme of the Western Division receives more winter than summer rain. The extreme north-east of the Division lies in the summer rainfall zone (Gentilli 1986;30). In this thesis the term semi-arid is used to describe the Western Division, although some of it is arid. Rainfall in the Western Division, in common with most arid and semi-arid Australia, is highly variable between months, seasons and years. Rainfall is also highly variable over relatively short distances. A large proportion of the rainfall of any particular place may occur in the form of isolated showers or storms not experienced nearby. This temporal and spatial variability is difficult to predict. High variability and unpredictability make the management of stocking rates and finance difficult and the onset of longer term drier periods hard to determine. Extreme drought and flood events are part of this variability. The consequences of this variability on the production of biomass and pastoralism are discussed below. The pastoral industry has relied on relatively high investment and consistent returns and consequently on relatively consistent pasture production over time and space; a consistency that the rainfall record suggests does not occur. There are elements of both risk and uncertainty introduced by the variability and unpredictability of rainfall.

In the Western Division long-term fluctuations in rainfall – over decades – and perhaps in its seasonality have had a great influence on the pastoral industry. Butlin attributed the very heavy investment in pastoralism in the Western Division in the 1880s largely to optimism generated by a few decades of high rainfall that were to prove uncharacteristic (Butlin 1964). Such long-term fluctuations have been described over the whole of eastern Australia (Linacre and Hobbs 1977;193). The reasons for this variation are not fully understood. Unlike the regular patterns of seasonal rainfall variation of common human experience, these longer term variations may not be readily comprehended. Changes in the seasonality of rainfall over the long-term may also influence pastoralism, though in more subtle ways. The season in which rain falls may affect the amount of water that becomes available for plants. This may affect pasture growth and there is evidence that it may influence the recruitment of some pasture species and so pasture composition over the long-term.

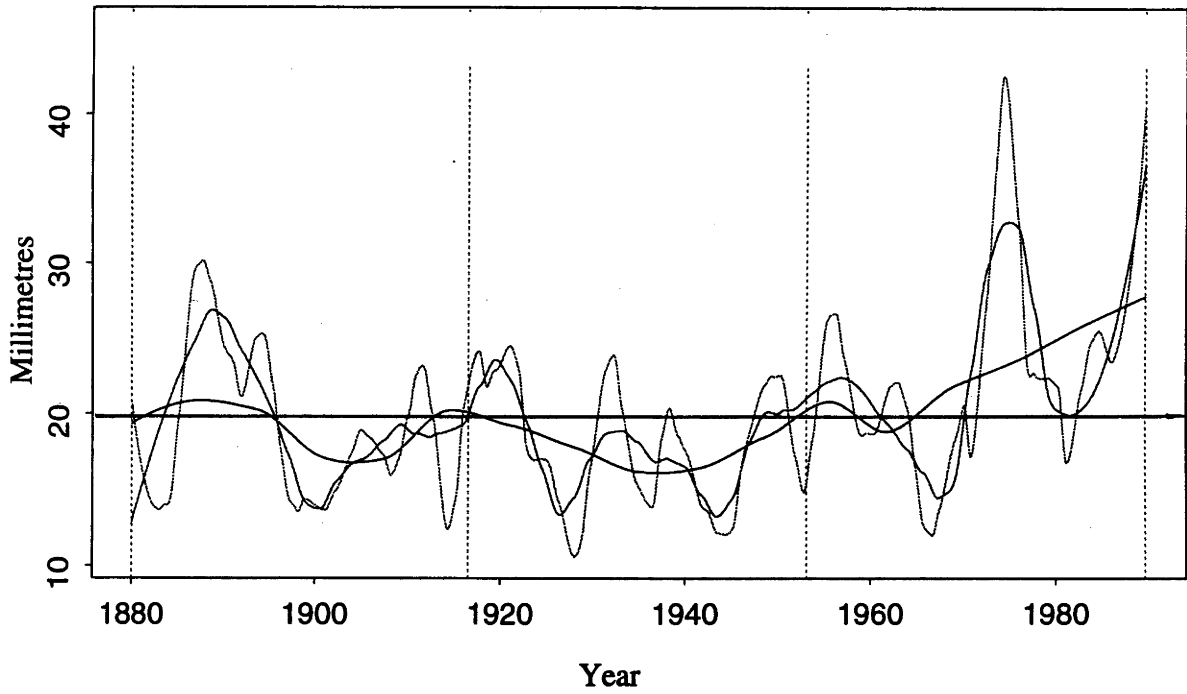
Figure 2.2, generalised monthly rainfall records for Ivanhoe, Menindee and Wilcannia, show significant fluctuations in rainfall between 1885 and 1988. Rainfall was high in the late 1880s and early 1890s. It declined through the 1890s until about 1900, about the depth of a severe drought. After 1900, rainfall tended to increase again. But it was not until about 1920 that it reached the level of the mid 1890s, and then only briefly. The mid 1920s through to the mid 1940s was another dry time, with generalised rainfall quite consistently and significantly below that of other periods. There is some evidence of a cycle of between thirty and forty years in the record. Wet periods were recorded in the early 1890s, early 1920s, 1950s and 1980s. In the first decade of the century, the 1930s, 1940s and 1960s it was comparatively dry.

Ivanhoe



Period of Generalisation: c. 42 years ——— c. 17 years ——— c. 8 years ———

Menindee



Period of Generalisation: c. 42 years ——— c. 17 years ——— c. 8 years ———

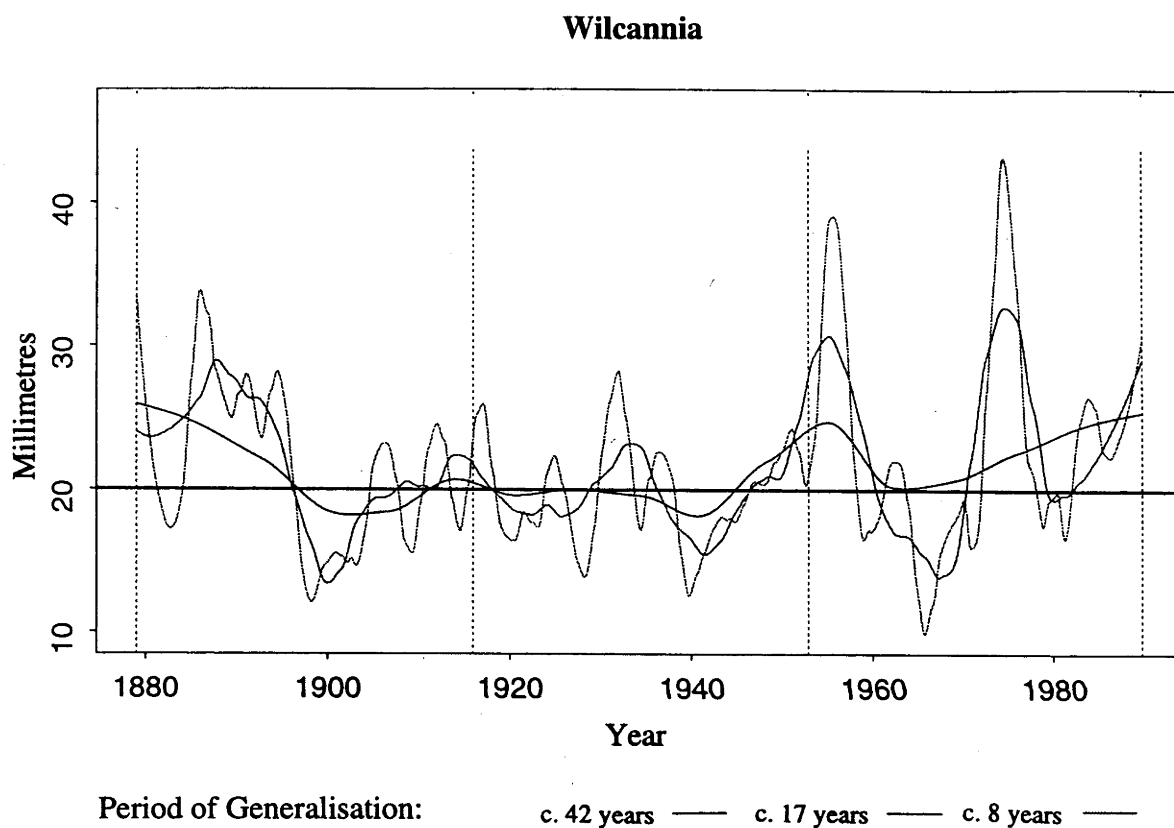


Figure 2.2 Generalised monthly rainfall records of Ivanhoe, Menindee and Wilcannia showing three levels of generalisation and reference lines.²

² The records were generalised using a loess (moving weighted) regression progressing through spans of about 42 years, 17 years, and 8 years. Reference lines have been drawn at 25 mm for Ivanhoe and at 20 mm for Menindee and Wilcannia. The end and beginning of the record may be exaggerated.

Data: From Bureau of Meteorology, Climatic Averages for Ivanhoe Post Office (Station No. 049019); Menindee Post Office (No. 047019); and Wilcannia Post Office (No. 046043).

Analysis: From the unpublished work of Ken Johnson (1994).

There was a dry period comparable with 1900 in the 1930s, particularly at Menindee. Moreover, in contrast to 1900, the few decades before the 1930s were relatively dry. This would be expected to aggravate the physical and social consequences of drought. The drought of the turn of the century was (and is) much more notorious. The years preceding the drought at the turn of the century were wet and this may have increased the perception that there was an extraordinary drought. For most people there would have been little to compare it with as much settlement in the Western Division at that time was fairly recent. However reports from earlier in the nineteenth century, and in fact from the time of the explorations of Mitchell and Sturt, make clear that drought was a known feature of the Western Division. The very high stocking rates in the 1880s may have greatly compounded the impact of the drought of the 1890s.

Vegetation and Land Systems

The vegetation of the Western Division is spatially diverse. Climatic, edaphic and physiographic factors determine the structure, floristics and distribution of undisturbed native plant communities in the arid zones (including semi-arid). Climatic gradients, particularly the increase in the summer rainfall and the mean annual temperature northwards and the winter rainfall determine the regional distribution of species (Gunn 1986;98). Local distribution seems to be controlled principally by variations in soil and topography (Gunn 1986;98). The Soil Conservation Service of New South Wales has mapped and described the "land systems" of the Western Division. The definition of land systems adopted was "an area or group of areas throughout which there is a recurring pattern of topography, soil and vegetation" (Walker 1991;3). As well as sharing the basic characteristics of topography, soil and vegetation, land systems tend to share secondary characteristics such as land capability, soil erodibility and soil fertility (Walker 1991;3). The land systems were grouped into a coarser classification, "rangeland types". This broad classification is shown in Figure 2.3. There are many described communities aggregated into these classes. All react differently to grazing pressures and variation in natural conditions and have different management requirements.

The vegetation of the Western Division is also temporally dynamic, often in ways that are difficult to predict. This was noted by Sturt on the Murrumbidgee at the border of the Western Division:

There was, also, an abundance of grass, where before there had been no signs of vegetation, and those spots which we had condemned as barren were now clothed with a green and luxuriant carpet. So difficult is it to judge of a country on a partial and hurried survey, and so differently does it appear at different periods (Sturt 1833;206).

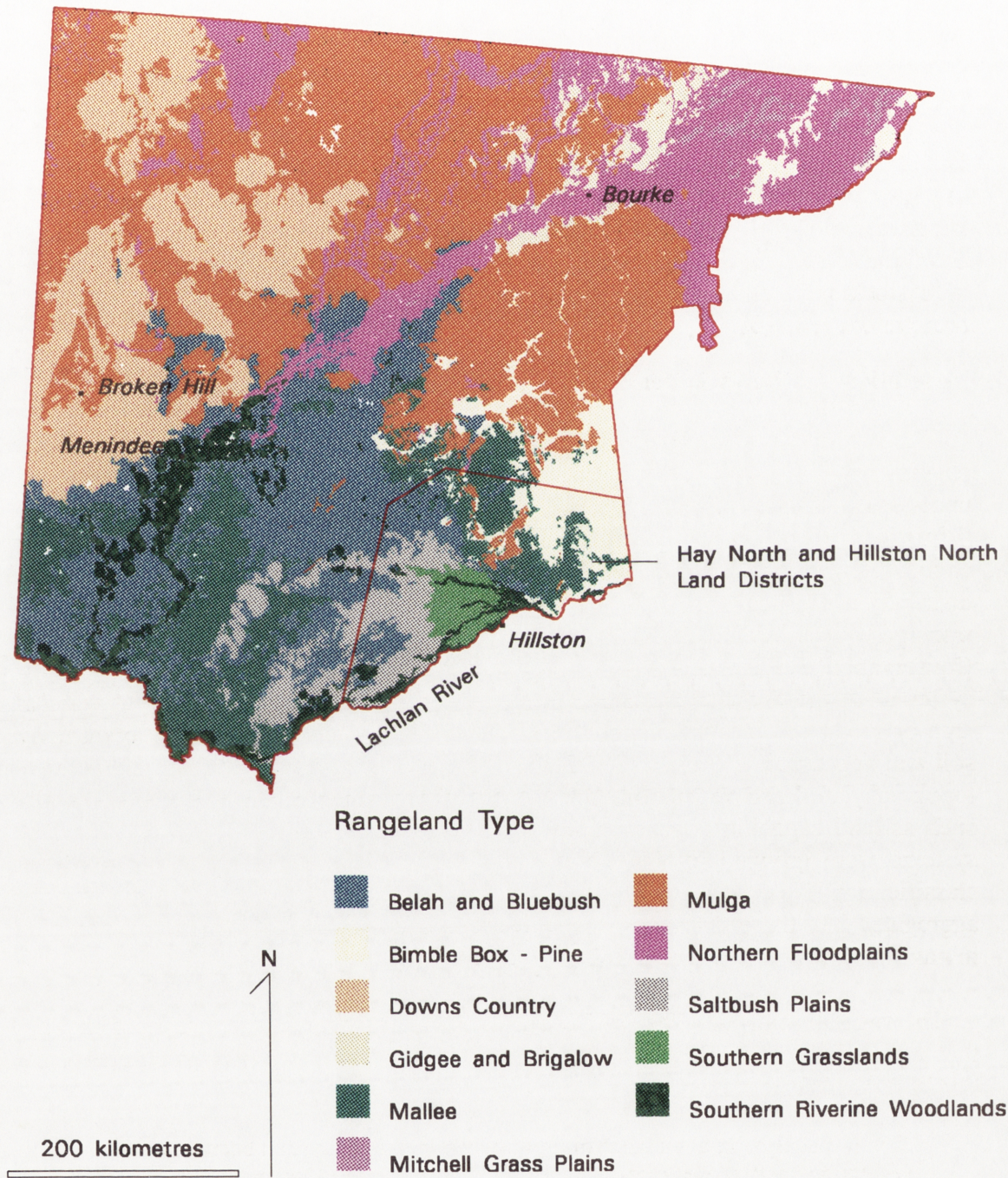


Figure 2.3 The rangeland types of the Western Division of New South Wales (Walker 1991).

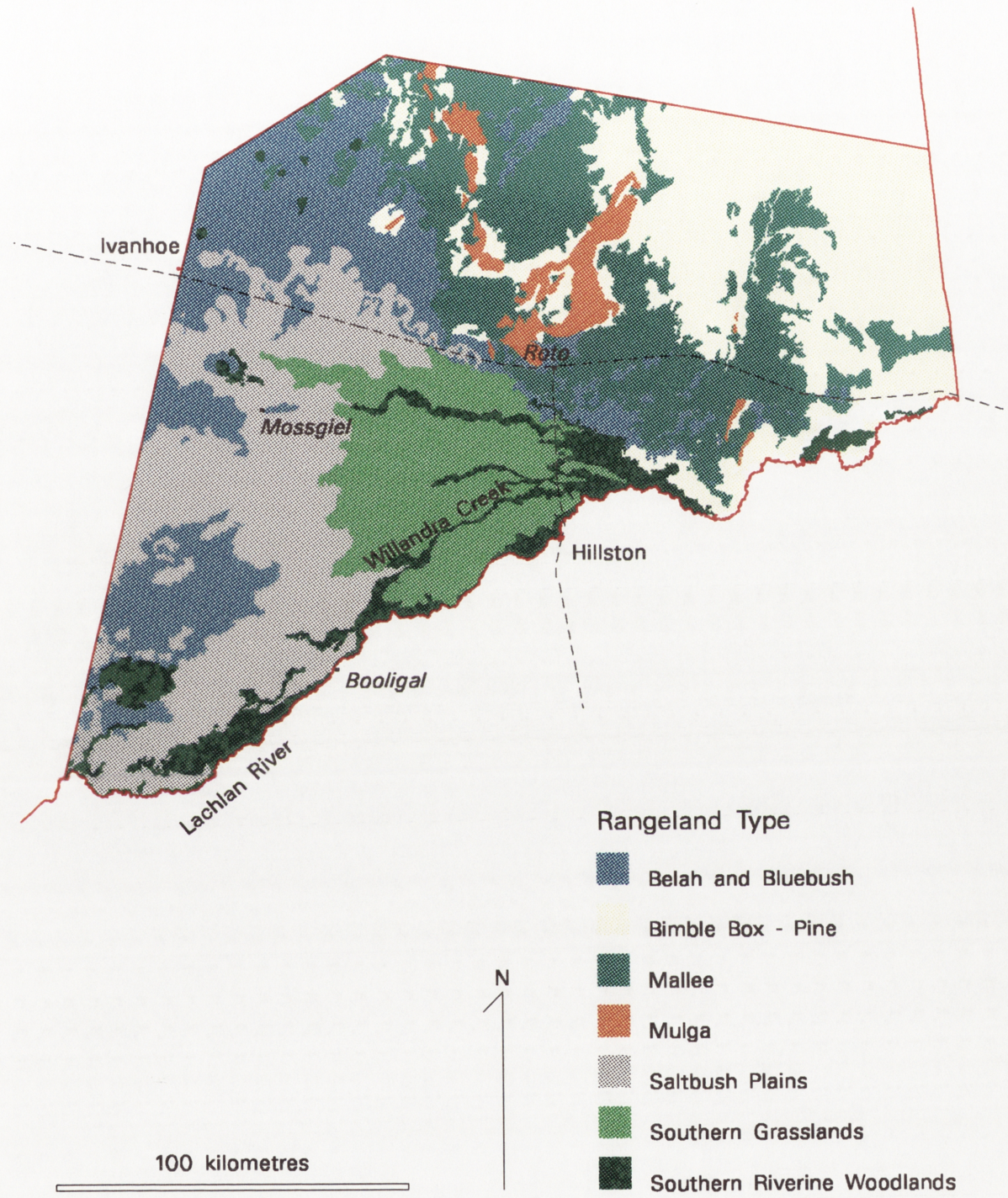


Figure 2.4 The rangeland types of the Hay North and Hillston North Land Districts (Walker 1991).

The most obvious cause of change in vegetation over time is rainfall. Rainfall tends to produce a finite period of plant growth; there is no regular plant growth rhythm (Wilson and Graetz 1979;86). The life-cycles of ephemeral and annual plants coincide with the temporary availability of moisture near the soil surface after heavy showers or seasonal rains. Perennials survive through drought with a number of adaptations, providing pasture and fodder. Their response to rainfall tends to be slower, but they may continue to produce biomass for one to two years after a significant rainfall event, relying on moisture from deeper in the soil (Heathcote 1983;83).

Many combinations of events may lead to vegetation change. Species composition and population in rangeland ecosystems are influenced by the co-occurrence of a sequence of events where each event has a low probability of occurring. Examples are fire and extreme rainfall or drought events (Noble, I.R. 1986;4 and Noble, J.C. 1986;16). Their effect will be determined in part by the existing plant populations, themselves products of past series of events. The dynamics of the ecosystems may thus be strongly influenced by abiotic influences and are highly complex. Many individual plants or age cohorts may die at different rates even without grazing due to climate pressures (Noble and Tongway 1986b;236). The fire regime of most semi-arid rangelands is irregular and unpredictable due to the irregularity of climatic events that allow fuel accumulation. Most rangeland communities are resilient to fire but may respond by significant changes in structure and composition. Grazing and rainfall before and after fire are also important to the definition of its effects (Noble *et al.* 1986). This variability makes it difficult to predict variation in pasture and the contribution of introduced plants and animals to this variation.

Semi-arid vegetation is affected by pastoralism in complex ways. In Australia's semi-arid rangelands there is an overall tendency for perennial herbs and grasses to decrease and annual, ephemeral, and inedible woody plants to increase (Wilson 1990;240). Adaptations of perennial plants, such as dry waxy leaves, may make them less palatable to stock than some annuals and ephemerals which have different mechanisms to survive drought. Perennial shrubs are eaten mainly when other herbage is absent such as during drought. When this occurs the effect of grazing on the shrubs may be particularly harmful because they are dormant and there is no alternative for stock. Ephemerals and annuals by contrast flourish in favourable conditions when pasture is abundant (Wilson 1990;236). Many perennials, such as *Atriplex vesicaria* (bladder saltbush), are much more sensitive to defoliation than many annuals and ephemerals. There has thus been a tendency for perennial shrubs to be replaced by annual grasslands. Although these grasses provide more pasture in favourable seasons, they do not supply the reserve of fodder supplied by perennial bushes which survive drought. Similarly, palatable trees in the Western Division such as mulga have declined through grazing pressures although they provide fodder through drought. In this instance the slow growing seedlings are susceptible to grazing (Wilson 1990;240).

Figure 2.4 shows the rangeland types which dominate the Hillston North and Hay North Land Districts. Their diversity is immediately apparent. Along the banks of the Lachlan River are Riverine Woodlands. West of the woodlands are extensive Saltbush

Plains and, in the northwest, Bimble Box Pine. West of the Saltbush Plains are large areas of Belah and Bluebush and Mallee. All have different pastures and management requirements in different conditions (See Walker 1991). Much of the south of the Western Division is dominated by low chenopod (*Chenopodiaceae*) shrublands comprised mainly of saltbush (*Atriplex* spp.) and bluebush (*Maireana* spp.). These are the 'Saltbush Plains' and 'Belah and Bluebush'. An examination of the many types of community in the Western Division is not possible, but a brief examination of the chenopods and mallee indicates the complexities of the interaction between native vegetation and European pastoralism. This is appended (Appendix One). The decline of the chenopods, especially saltbush, was viewed with concern for much of the period of the study because many were valuable forage species and their decline was often seen to indicate wider environmental deterioration. There was concern about the impact of pastoralism on the soil of the West in the period covered in this thesis. A brief introduction to some of the complexity of this relationship is included in Appendix One.

2.8 INCORPORATION AND CONFLICT

As pastoralism rapidly expanded into the West the industry was increasingly incorporated into the society of New South Wales. Early pastoralism was largely opportunistic, unregulated and individualistic. But gradually the Government acted to more effectively control the land of the West, and with it the pastoralists. With attempts to incorporate the West into the State, conflicts developed over the possession of the West. The Government had formal authority over the Crown land of the West. But pastoralists assumed rights to the land. Their authority came from traditional notions of ownership which were deeply embedded in the European culture. Their assumed rights were backed by their substantial power in society. Pastoralists and Government had conflicting proprietary interests. Both wanted to possess a scarce resource. The Government wished to retain control of the West to secure short and long-term economic and social benefits to the Colony. Despite its own high level of involvement, the Government was sure of the benefits of private rights to land which it tried to encourage by promoting more settlement.

With the incorporation of the West into New South Wales conflicts grew between pastoralists and small and intending settlers. These conflicts were to continue, in some form, through the entire period considered in this study. Both pastoralists and the intending settlers justified their quest for ownership partly on the basis of the benefits their ownership provided the State as well as themselves. For pastoralists ownership was not an institution that should be taken away, even if not formally conferred by the State. For the landless and their supporters, ownership was an institution whose benefits were to be multiplied by being shared.

There were many conflicts, experienced and latent, between pastoralists and the environment of the West. By the 1880s there had been a change in the way that the semi-arid Western Division was exploited for pastoralism. Early pastoralists were opportunistic in habit, exploiting the variable response of vegetation to a spatially and temporally variable rainfall. But boundaries between properties were quickly established. Property rights needed to be defined in time and in space. The boundaries

within which improvements lay needed to be clearly and securely defined by law. With increasing demand and competition for land there was more capitalisation and debt. Clear and fixed boundaries were needed as a protection against competitors for scarce land. Pastoralism became mainly sedentary. This fixity was not an ideal adaptation to a climate highly variable in time and space. The climate was prone to devastating short term fluctuations. Moreover the climate, soil and vegetation of the West were susceptible to significant changes over periods of decades. While most runs in the Western Division remained very large, the number of much smaller runs held under Crown lands statutes was beginning to increase. There were many mounting pressures on still new relationships between pastoralists, the Government and the West.

CHAPTER THREE

CONFIDENCE, CONFLICT AND CRISIS

3.1 INCORPORATING THE WEST

With the expansion of pastoralism in the 1870s and 1880s, the West was increasingly incorporated into the Colony of New South Wales. It was more fully integrated into the political, economic and administrative life of the Colony. Pastoralism expanded greatly in area and intensity and there was a corresponding increase in the number of stock. The growth in the industry was based on generally favourable economic and climatic conditions. Pastoralism became very highly capitalised and indebted. Speculation was rife in the industry by the 1880s as more sought access to the riches pastoralism apparently offered. The rapid development of the pastoral industry was accompanied by more strictly defined and delimited runs. As part of the process of incorporation the Government exercised more control over the runs of the West, providing for them to be divided to provide land to settle more people. By 1890 the West was no longer a distant frontier.

Yet in important ways the West remained distinct from New South Wales. Large areas of the Division remained strongly attached to Victoria and South Australia, with which they had close commercial and social ties. Lessees in these areas chose not to be represented by the influential Pastoralists' Union of New South Wales, but by their own organisations which were very closely linked with the pastoralists' organisations of Victoria and South Australia. Affinities with these Colonies were preserved even though their Governments had no jurisdiction over the administration of the Western Division. The Western Division was defined as a legal entity by the Crown Lands Act, 1884, and was thenceforth to be administered under unique rules. The distinct nature of the Division was recognised and most further alienation of the land was prevented.

With the incorporation of the West conflicts of possession increased. Crown lessees had developed informal rights to possess the West based on their occupation of the land, the investments they had made and even the hardships they had endured. At the same time the Government in Sydney tried to exert its proprietary interests in the West – as it had for decades. As the West became more settled, accessible and, apparently, profitable, and as land elsewhere became scarcer, there was an increased desire in New South Wales to share its opportunities. The Government tried to make settlement in the Division more intensive. Wider access to an expanding and profitable industry promised to benefit both new settlers and the development of the Colony. The conflict between largeholders in the Western Division and those who advocated the interests of the landless grew. There was conflict between holders of

large and small leases. This dispute was an extension of the old conflict between squatter and selector. Moreover the very extensive occupation of the West made controlling the environment difficult. Intensifying settlement, such as by developing irrigation, was seen to be a solution. It would domesticate the West.

Great environmental changes accompanied the incorporation of the West and associated with these changes was a great expansion of the knowledge of the environment of the West. With pastoral expansion and investment came large-scale environmental changes. By the end of the 1880s, native woody weeds, exotic weeds, changes in pasture composition, and the widespread destruction of perennial fodder species were causing concern. The spread of rabbits in the West, probably helped by environmental disturbances caused by pastoralism, was an economic and environmental catastrophe. Rabbits and overstocking degraded or destroyed native pastures over much of the Division. There is evidence that for some a very significant part of the debt accrued in the 1870s and 1880s was the result of attempts to control a changing environment. Rabbits were just a part of this change, albeit an extremely important part. I suggest that some of the great and costly environmental changes in this period happened because the land was stocked, rather than because of the practice of overstocking.

As the pastoral industry threatened to entirely collapse in the 1890s, environmental degradation worsened and awareness of the incompatibilities between pastoralism and the environment of the Western Division grew. Drought and depression in the 1890s exposed the weak foundations of the pastoral industry. They had been eroded by overcapitalisation and speculation, overstocking and environmental change. Widespread soil erosion and destruction of the chenopod shrublands occurred. Awareness, knowledge and understanding of environmental change in the Western Division had grown in the 1880s, but they became a preoccupation in the crisis of the 1890s. Environmental changes were debated in Government and among scientific and popular commentators. There was a comprehensive broad understanding of these changes and their causes. The environment of the West, marginal for economic production, taught swift and clear lessons when its carrying capacity was exceeded. Pastoralism in the West, previously a boon to the Colony, was now threatened. This threat was not just economic and environmental. The West was beginning to have an important cultural meaning in New South Wales.

These environmental changes also led to conflicts over the proprietary responsibilities for the land between Government and lessees. Environmental change threatened the interests of all in the Western Division. Rabbit control was seen by many to be the responsibility of the Government, and not just because of the magnitude of the problem. It was argued that it was the Government's responsibility to maintain the public estate and even that lessees should be compensated for the decline in the value of their land. Threatened by pests, pastoralists and agriculturalists throughout New South Wales accepted, indeed invited, greater Government intervention in their landuse.

The development of interest groups further incorporated the West into New South Wales and the West also became central to the myths and legends of the Colony. Although antagonism over the possession of the West was old it developed a new and

more forceful articulation in the 1890s, when pastoralists' and farmers' interests became more organised. The West also came to serve more than the objectives of economic development and settlement. It became a cultural symbol, taken to epitomise individualism, independence and other characteristics of the bush myth. The West had also been incorporated culturally into New South Wales.

3.2 BANKING ON THE WEST

Butlin identified the origins of high levels of speculation in the pastoral industry in the 1870s, a period of optimism, expansion and heavy investment (1964;172). Before the 1860s the pastoral industry was semi-nomadic in character, especially on its western margins. Stations were based around temporary or permanent shepherding huts and pastures tended to be used opportunistically. According to Butlin the development of highly capitalised stations between the 1860s and 1880s was the result of a number of influences including the destruction of the dingo, legal squabbles over boundaries and changes in shepherding methods (1964;71). Turnover and gross wool proceeds were rising and labour costs were falling (Butlin 1964;172). After the mid 1870s, pastoral expansion was based primarily on the spread of the industry into the arid interior, but output decreased despite the large amount of capital invested (Butlin 1964;21). By 1877 to 1878 wool prices were falling and drought was afflicting livestock and wool production (Butlin 1964;36). By the end of the decade the values of pastoral properties exceeded the replacement value of stock and physical equipment plus the government valuation of the land (Butlin 1964;100). Rising levels of investment and the associated rise in the cost of money led to the disintegration of large old stations as pastoralists out-ran their resources and partitioned their runs (Butlin 1964;100). George Ranken claimed in 1884 that until the previous two or three years almost all the profits from inland stations came from selling properties to new buyers rather than from stock and wool. He also noted the heavy burden placed on legitimate pastoralists by inflated prices and the neglect of genuine improvements (Ranken 1884;4). Ranken, who served on an official inquiry into the state of the public lands and the land laws in 1883, wrote for the *Sydney Morning Herald* on land matters. He had experience as a pastoralist and Commissioner of Crown Lands (Denholm and Gibbney 1976).

Speculative investments across the economy by the public and private sectors became a feature of the Australian colonies in the 1880s and speculation in pastoralism increased. From 1883 to 1890 great sums were borrowed from Britain by the public and private sectors (Butlin 1964;36-7). The experience of the 1860s and 1870s led to optimistic views in the pastoral industry of future prices, costs and climatic conditions. At the same time interest rates were falling and financial and commercial services were being organised to met the needs of pastoral expansion (Butlin 1964;173). But returns were lower than in the 1870s. Gross wool receipts were constant but the expenses of pastoralism were rising despite investment in new capital equipment (Butlin 1964;172-3). Growing difficulties in the industry were treated as short-term problems. Seasons in the second half of the 1880s were good and high demand for stock continued as the industry expanded inland. Rural investment was increasingly in the form of the equipment of pastoral stations in the expectation of short-term capital gains (Butlin 1964;61 and 180).

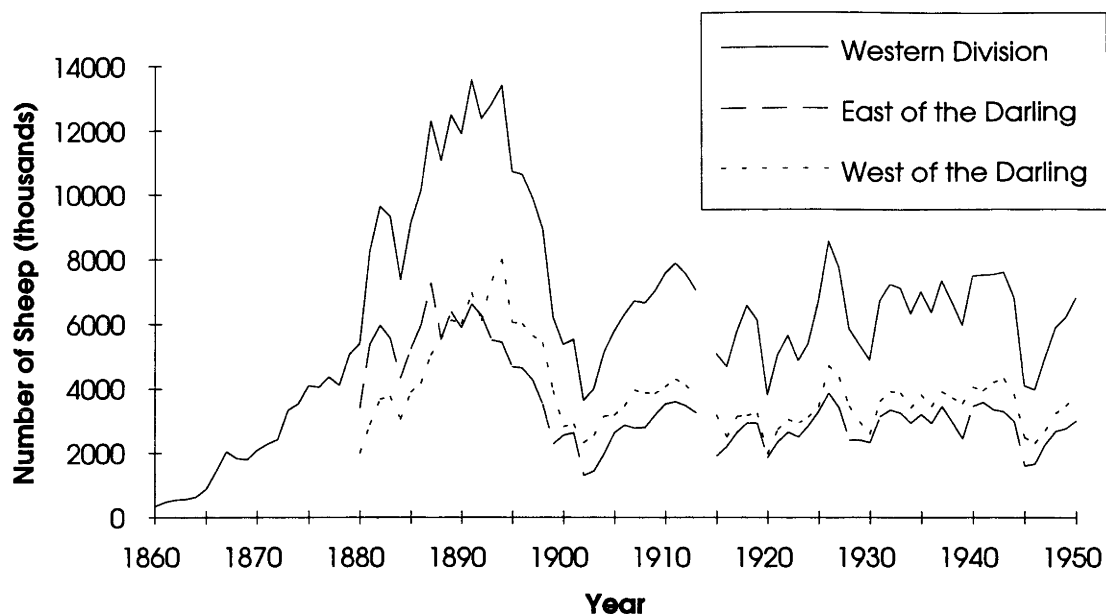


Figure 3.1 The total number of sheep in the Western Division and the number of sheep in the Western Division east and west of the Darling River, 1861 - 1950 (Butlin 1962;300-1).

Speculation was rife in the pastoral industry of western New South Wales in the 1880s. After the drought of 1876-77 the West became the focus of the Australian pastoral industry (Bailey 1966;85). Settlement and flocks spread west of the Darling in the 1880s and the increase in sheep numbers in New South Wales after 1885 relied on expansion into the more arid areas of the Colony made available through artesian water (Butlin 1964;69 and 80). The increasing number of sheep east and west of the Darling and in the Western Division as a whole is evident on Figure 3.1. The demand for stock from the expanding pioneer stations kept prices up and compensated for low wool prices (Butlin 1964;109). In the more arid areas settled in the 1880s, investment in new equipment and technology was important to stabilise output and deal with climatic risk and isolation but new investment was mainly in anticipation of capital gains (Butlin 1964;85-6). Some pastoral stations were equipped by speculators specifically in the expectation of short-term capital gains in a buoyant market (Butlin 1964;83). Ranken argued that sham improvements rather than the excessive investment in genuine improvements was the problem (1884;13). In the West even unimproved blocks soared in value (Cain 1963b;182). Large pastoral companies fiercely competed to lend money to western pastoral interests (Cain 1963b;180). Most of the additional capital employed by the Australian Mercantile Land and Finance Company (AML & F) in the 1880s was lent to squatters in the Western Division (Bailey 1966;86). The Crown Lands Act of 1884 increased the length of leases in the Western Division relative to those in the other Divisions. The increased security of leases led to an increase in AML & F loans (Bailey 1966;75 and 87-8). The Act also protected half the area of leases from selectors, further increasing their security. Speculation was not a purely economic phenomena, but was influenced by wider

perceptions of the West. The great enthusiasm for pastoralism in the Western Division was described, floridly, by W.E. Abbott, a pastoralist and prominent commentator on the industry. He suggested that economic gains were only part of the attraction:

The spirit of chivalry which urged the knights-errant of old to go forth redressing wrongs was not so true nor could it produce so great an effect as the spirit of enterprise which to-day urges the modern representatives of these same knights further and further into all the unknown places of the earth; and the cry of "Westward, ho!" which was raised in Elizabeth's reign, did not do more for Englishmen than the "Westward, ho!" of to-day will do for Australians (1881;21).

The highly capitalised and indebted pastoral industry of the Western Division was to prove ill-suited to changeable economic and environmental conditions. At the end of the 1860s pastoralists' equities in their runs were virtually intact. By the end of the 1880s or beginning of the 1890s, many of the pastoral clients of the finance companies were in a critical financial position (Butlin 1964;80 and 166). Drought in the mid 1880s destroyed flocks and forced squatters to borrow to meet their maturing bills for station purchase and to restock (Bailey 1966;75). The discovery of artesian water had increased confidence and investments made searching for water and boring. The drought coincided with a drop in wool prices to their lowest level in thirty-eight years (Bailey 1966;98). Moreover the rents of leases in the Western Division rose rapidly after 1884 as the Government resolved to reduce land alienation and replace revenue with lease rents (Butlin 1964;178). The increased rentals were based on vastly overestimated carrying capacities and were found later to be a heavy burden (Bailey 1966;91). In time new capital formation dwindled and the financial companies failed to receive interest due from pastoralists and were less inclined to lend on the security of station property (Butlin 1964;169-70). But money was still plentiful and investment regained momentum in the late 1880s (Cain 1963b;181). By about 1888 AML & F was concerned about over-investment and the excessive faith in the potential of the inland stations but many of the company clients refused to recognise the changed conditions and resented attempts to stop increased borrowing (Bailey 1966;96-7). By the end of the 1880s the Company had come into possession of many Western Division stations, mainly through the death of clients. The stations could not be sold at what were considered reasonable prices (Bailey 1966;106-7). In 1889 AML & F was the registered lessee of 3,154,000 acres in the Western Division (Bailey 1966;95). By 1890 the inability of new investment to yield increased earnings at a faster rate than the rise of interest and dividends was recognised by Australian institutions and there was a sharp decline in the demand for funds and an associated economic slow-down (Butlin 1964;37). According to Butlin, the massive investments in pastoralism in the arid areas in the 1880s and the increase in stock numbers in the second half of the decade resulted in an unstable position from which the industry was forced to withdraw, first by the market and then by droughts, rabbits and deteriorating pasture (Butlin 1964;45). The great and rapid increase in the number of sheep in the Western Division, peaking at about 14,000,000 in the early 1890s, is clear on Figure 3.1.

Ranken suggested that the mentality of speculation and associated over-indebtedness and overstocking had insidious environmental and social consequences.

There is in connection with it [speculation] neither local proprietorship nor social life nor responsibility, and as far as political and interests are concerned, such a station might almost as well be a blank on the map (Ranken 1884;14).

3.3 DEFINING THE WEST

The failure of the Crown Lands Acts of 1861 led to the Crown Lands Act, 1884, which recognised the changing place of the developing West in the economy and society of New South Wales. The uniqueness of the West was recognised and the Western Division was made an administrative entity with important consequences. The Act tried to break the monopoly of squatters in the West, giving wider access to land, while recognising some of its limitations for settlement.

There was concern that conflicts between squatter and selector would spread in the West. There was animosity between lessee and selector in the West under the Crown Lands Acts of 1861, but not as much as in the Central Division. A Commission of Inquiry appointed in 1883 to examine the state of the public lands and the land laws conducted by Augustus Morriss and George Ranken attributed this to the aridity of the West which was a barrier to occupation by small selectors. There was little genuine settlement in the area that became the 'Western Division' under the 1861 Acts but speculative selections were made, particularly along watercourses.¹ The report of the Commission stated:

The instances are very rare indeed where purchases of land have been made by the lessees for its own intrinsic value, but numerous where they have been made to secure advantages to the injury of the public estate.²

Morriss and Ranken thought conflict would increase under the 1861 legislation.³ Lessees in the West, in turn, were engaged in protective purchases of river frontages.⁴ (See also Butlin 1964;89 and Hardy 1969;102) Heathcote concluded that by 1883 on the western plains of New South Wales the pastoralists, through bribes and defensive selections, remained in firm control of the land although they had been forced to invest more capital (1965;44).

At the same time, there was a widespread desire to break the squatters' monopoly of the West. The report of Morriss and Ranken stated that the 1861 Acts were concentrating Crown land in the Western Division in the hands of a few, and at an unjustly low price. The report noted that about 82,000,000 acres was nominally leased to 306 Crown tenants. Furthermore the highest rent ever paid in one year for that area was equivalent to one-third of a penny per acre. The report noted that much more government revenue could have been raised if the rental was 1.5d an acre and no land in the Division had been sold by the Government.⁵ The report concluded that in the

1 *Report of Inquiry into the State of the Public Lands and Operation of the Land Laws*, NSW PP (LAVP), 1883, Vol. 2 ('*Report into the Public Lands and Land Laws, 1883*'), p. 23.

2 *Ibid.*, p. 25.

3 *Ibid.*, p. 23.

4 *Ibid.*, p. 25.

5 *Ibid.*, p. 27.

Western Division the legislation had not encouraged settlement or the development of its resources, but had deprived the revenue of at least £3,000,000. A compromise was envisaged.

The squatting industry would be much better carried on, more cheaply, more securely, and with much greater proportionate results, on a reduced area under a safe tenure; while real honest settlement would thrive most where a settler could get a sufficient extent of ground without the risks attached to contending with an antagonistic tenure. There was . . . plenty of land to provide for the two interests apart (in King 1957;95).

Under the Crown Lands Act, 1884, runholders were to submit detailed plans of their holdings including grazing capacity and improvements to the Minister for Lands (ss 70-77). They were to divide their holding into two equal areas and the Minister was to convert the area of his choosing into a 'Resumed Area'. The other area was termed the 'Leasehold Area'. The original holder of the run was entitled to retain the Leasehold Area under a Pastoral Lease, secure from the attentions of selectors. The Resumed Area was intended to be made available for new settlers. The original runholders were entitled to use the Resumed Areas under annual Occupation Licenses. When land in the Resumed Area was required for lease by the Government, the license would cease and the runholder would be compensated for any improvements on the withdrawn land. In the Western Division, Leasehold Areas were to be held under fifteen year leases. In the Central Division they were to be ten years and in the Eastern Division five years (ss 78-80). The rent determined by the Local Land Board in the Western Division was to be at least a penny an acre. The minimum for the Central Division was three half-pence. The rent determined was to apply in the Western Division for five years. It was then to be increased by one-fourth for the next five years and by one-half for the rest of the term of the lease.

The main tenure for new settlers in the Western Division under the Act was to be the 'Homestead Lease'. According to Farnell, the Minister for Lands, introducing the Crown Lands Amendment Bill in 1883, these leases were intended to provide land for those without the capital to purchase a squattage, yet who needed more land than a Conditional Purchase. The climate made a large area for these leases absolutely necessary. Homestead Leases, he said, would be a great boon to young men who wished to settle on the land and render it productive rather than hang about the metropolis in search of unproductive jobs.⁶ The experience of 1861 seems to have erased the possibility of alienation in small areas to smaller settlers.

The area of Homestead Leases was to be between 5,760 and 10,240 acres, they were of fifteen years duration and could be extended for five years. Homestead Leases were to be issued under the same conditions and with the same rent provisions as Pastoral Leases. Within two years Homestead Lessees were to erect a fence around their lease and for the first five years they were required to reside on the lease for at least six months of the year. No one could own or partly own more than one Homestead Lease. Provided that the rental rate of a Pastoral or Homestead Lease was the minimum, lessees were entitled to apply to their Local Land Board for rent reduction on the basis of the inferior grazing capabilities of the land.

⁶ NSW PD, Vol. 10 (First Series), 7/11/1883, pp. 351-2.

Land administration in the Western Division, with the rest of the Colony, was to be decentralised under the 1884 Act, partly in response to the political interference rife in land administration. Morriss and Ranken had attacked the "utter folly" of centrally administered land.

In addition to the defective construction of the various Land Acts, the large permissive powers always appended have involved a most unnecessary and pernicious exercise of ministerial discretion . . . [T]he effect in New South Wales, through the endless diversity of interpretations and mis-interpretations for years, has been to annul the value of the law altogether. The plain meaning of any existing Act is now of less weight than the caprice or bias of the Minister, and it is notorious that the most effective mode of getting business done at the "Lands," whether in terms of the law, or with the view of thwarting its operation, is to select a land agent who is a member of the popular branch of the Legislature.⁷

The Commission suggested the administration of the Land Acts might be better completed locally.⁸ The issue of centralised administration was to be important to the future management of the Western Division.

The Crown Lands Act, 1884, decentralised land administration by dividing New South Wales into 'Land Districts', vesting the administration of land in the Districts in 'Local Land Boards'. The Boards were to avoid the delays and inconvenience of administering land from Sydney alone and to attempt to remove the administration of land from political control (King 1957;101 and 103). The Boards were to hear evidence and report to the Minister on the fulfilment of lease conditions and to appraise the rents of leases. They were to have the power of Courts of Petty Sessions and could compel the attendance of witnesses. Applications for land were to be assessed by the Boards. They were to consist of three members appointed by the Government (ss 11-20). The Boards were to sit as an open Court and their decisions were open to appeal to the Minister until 1889 and then to a Land Appeal Court (King 1957;105).

The Western Division was identified as a place unsuitable for alienation. The 1884 Act responded to the growth of pastoralism into the West and recognised some of its unique needs. The Act recognised that different management was appropriate for different areas of New South Wales which was divided into three administrative areas, the Eastern, Central and Western Divisions. The provisions of the 1884 Act were to apply differently to each. Farnell made clear in his introduction to the Bill that the Western Division was intended only for pastoral settlement and that he intended no further alienation of land in the Division.⁹

The day may come when the climate will be more humid than it now is. I believe that will be the case some thousands of years hence, and I am now speaking of the preservation of these lands for future generations.¹⁰

⁷ *'Report into the Public Lands and Land Laws, 1883'*, p. 33.

⁸ *Ibid.*, p. 33.

⁹ NSW PD, Vol. 10 (First Series), 11/10/1883, p. 43.

¹⁰ NSW PD, Vol. 10 (First Series), 7/11/1883, p. 352.

This was despite Farnell's clear intention that the Bill encourage settlement generally.

Do you think we shall ever make a nation with sheep-walks? I admit that sheep-walks are all very well; but they ought to give way to population, and those who occupy them must recede and give way when the land is required for *bona fide* occupation.¹¹

Morriss and Ranken also thought that the small settlement possible under the 1861 legislation was inappropriate:

The thirst for land, or it may be for vengeance on the class at whose hands they believe they have suffered so much, will, under the present law, force the selectors into the possession of lands [in the Western Division] unprofitable for occupation in small holdings, and thus probably bring about ruin to themselves and injury to the present possessors.¹²

Morriss and Ranken criticised the sale of land held under lease, not just because of its unsuitability for alienation, but because of the rights that the lessees' use of the land was seen to give them.

The men (lessees) whose enterprise was thus telling daily in reclaiming a wilderness could not be expected to receive with favour a law which authorised any stranger to seize upon each spot as soon as it became of any value (in King 1957;95).

This reflected Ranken's opinion that new laws should encourage squatters to make the best of their holdings without buying up the land (1884;14). "It would be well if better legislation or better administration could be framed that would help those now struggling unsuccessfully to conquer a pastoral waste . . . (Ranken 1884;23)" The report called the Crown lands of the Western Division the 'public estate' and it seems that they were considered an asset not to be alienated lightly.

A land Act was introduced in Queensland as well as New South Wales in 1884 whose main purpose was to divide the pastoral estates (Heathcote 1965;40). The provisions of the Queensland legislation were similar to those of New South Wales although the minimum rental in Queensland was a farthing in acre compared with a penny to three-half pence in New South Wales. This was part of a parallel development of policies in Queensland and New South Wales, each ensuring their neighbour did not offer more attractive conditions for investment (Heathcote 1965;47).

The introduction of the 1884 legislation coincided with drought, low prices and the rabbit plague.

The upshot was that the new classes under the 1884 Act were "created to be crushed," especially in the west where only 200 small settlers came forward and where, in consequence the resumed half of every run became a breeding ground for vermin (Roberts 1924;292).

¹¹ Ibid., p. 332.

¹² 'Report into the Public Lands and Land Laws, 1883', p. 24.

Tenants of the Western and parts of the Central Division petitioned the Legislative Assembly in 1885 to protest against the Act, particularly the rents that were being set and the forfeiture of improvements to the Crown. The petition stressed that the value of the Crown lands had been created by the energy and (usually borrowed) money of the settlers. They wrote:

Your petitioners are thus completely crushed and paralysed . . . Their stations and property have become unsaleable, their credit seriously injured, and all their improvements having being forfeited to the State financial companies are unwilling to render them further assistance; and, if such assistance could be obtained, it would be impossible to pay even the minimum rent fixed . . .¹³

3.4 ENVIRONMENTAL CHANGE

The issue of the environmental degradation of the West was awoken by drought and overstocking in the early to mid 1880s – a precursor to the 1890s. The drought is clear in the rainfall records of Wilcannia and Menindee in Figure 2.2. The drought is difficult to compare with others as it happened around the beginning of rainfall records but it seems, at least at Menindee, to have been severe. The drought produced a great dust-storm over Bourke in December 1883 and for part of 1884 reportedly left the plains near Bourke without grass (Russell 1885;11-3). Ranken wrote in April 1884 from Willandra Billabong near Hillston that the Lachlan had been reduced to a gutter, the saltbush had been destroyed and sheep were starving (Ranken 1884;1). On a run near Willandra, he claimed, grasses and herbs had disappeared and saltbush and bluebush had been destroyed over large patches. Trees such as Mulga and Belah were being cut for fodder by thirty to forty men employed daily (1884;6). H.C. Russell, the Government Astronomer, recorded reports that in 1885 areas adjacent to the Darling were devoid of feed and that the river was dry for miles in many places (1886;171). Stock losses in the Darling district during the drought were described as startling but impossible to estimate. One station lost 156,000 sheep in two years.¹⁴ Overstocking was implicated in the losses. Ranken argued that the speculation in the industry led to stations being crammed with stock for sale at a price per head. Buyers, overloaded with debt were forced, in turn, to overstock to meet their bills (Ranken 1884;13-4). The destruction of pasture in the drought of the early 1880s near Hillston and elsewhere was attributed in part to this overstocking (Ranken 1884;1 and 12).

Rabbits became a great problem in the Western Division during the 1880s, contributing to the disastrous degradation of pastures and the high debts. Great sums were spent by pastoralists and government in attempts to control their spread and impact. By the late 1880s, AML & F was fully aware of the real menace of rabbits to the invaluable bushes and scrub of the inland stations which were destroyed when ring-barked (Bailey 1966;100). After about 1887, AML & F could not sell rabbit

¹³ *Petition of the Tenants of the Crown in the Western and portions of the Central Division of the Colony to the Legislative Assembly of the Colony of New South Wales*, Mitchell Library, Catalogue No. F336.1/P.

¹⁴ *Royal Commission - Conservation of Water, Third and Final Report*, NSW PP (LAVP), 1887, Vol. 5, p. 11.

infested runs in south-west New South Wales because properties without rabbits were still available in the north of the Colony and in Queensland (Bailey 1966;100. Camm and McQuilton map the progress of infestation 1987;79). At the end of the 1880s there was a marked increase in capital outlays as growers heavily invested in rabbit-proof fences and in improving dams and water tanks (Bailey 1966;111). AML & F and their inspectors urged clients, at the end of the 1880s and beginning of the 1890s, to take these measures and large quantities of rabbit-proof fencing were imported (Bailey 1966;140). Bailey puts more emphasis on the financial burden of attempts at environmental control and environmental change in his assessment of the 1880s and 1890s than Butlin, who stresses market conditions exogenous to the west of New South Wales and speculation. Bailey argued that the AML & F was over-invested in western New South Wales by the late 1880s. Income was contracting and costs rising. But more serious was a severe depreciation in the capital values of properties which often caused loans to exceed realisable values. The depreciation was largely the result of the destruction of pasture which reduced carrying capacity (Bailey 1966;95). In response to these environmental and economic pressures, Run Inspectors of the Local Land Boards encouraged the increased use of fencing and dams to improve the carrying capacity on leases owned by individuals or small companies. There was a stress in their rent appraisal reports on what *might* be done with the properties which almost transcended consideration of their current problems and limitations. This is considered in more detail below.¹⁵

While conflicts over rights to the West were old, the catastrophe of the rabbits highlighted conflicts over the responsibility for the Crown lands. In 1883 the Chief Inspector of Stock was charged with exterminating rabbits. Inspectors were stationed at Conargo, Hay, Hillston, Wilcannia, Swan Hill, Booligal and Balranald among other centres (King 1957;130). All the costs incurred in clearing the land of rabbits by an inspector was to be a first charge upon the land. A tax was levied on all owners of 1,000 sheep or more. In the seven years between 1883 and 1890 an additional £1,543,000 was spent by the Government on rabbit destruction (King 1957;130-1). An 1886 conference of country delegates raised the issue of infestation of unoccupied Crown lands. These were considered breeding grounds for rabbits (King 1957;131). The issue of management of pests on Crown lands remained contentious throughout the period considered by this thesis. A Royal Commission appointed in 1889 to consider the rabbit problem concluded in part:

1. That the responsibility for the destruction of rabbits whether on freehold or leasehold land, must rest upon the land-holder. That, with respect to unoccupied Crown lands, the State must accept similar responsibility.
2. That the rabbit pest has made the continuance of the system of annual leases of Crown lands impossible.
3. That no finality in rabbit destruction will be obtained without making the erection of rabbit-proof fences compulsory.

¹⁵ See for example State Archives of New South Wales (SANSW), Western Lands Commission (WLC), *Pastoral Lease Files c. 1890-1901*, 10/43877.

4. That there are very large areas of land so poor that the erection of rabbit-proof fences around individual holdings might cause financial failure . . . That in dealing with land of very poor carrying capacity, the State should show special consideration to the lessees in respect of tenure.¹⁶

The final report of the Commission recommended that where necessary the State advance to lessees of Crown land the cost of netting fencing. It found that no scheme for rabbit destruction was wholly suitable.¹⁷

In 1892 the *Australasian Pastoralists' Review* argued that the prime responsibility for rabbits rested with the Government but recognised that avoiding responsibility for rabbits might reduce the popular acceptance of pastoralists' rights to the land. It complained that the 1884 Act was administered as if the pastoralists' landlord, the Government, had nothing to do with the existence of the rabbits and as if responsibility for the pest rested with the tenant. The *Review* argued that the rabbits decreased the value of the Crown lands and that rents should consequently be reduced.¹⁸ It argued that concessions to pastoralists should be given by the landlord through rent and tenure, not in the form of direct concessions or assistance. It is strongly implied that direct concessions were a threat to the autonomy of pastoralists and, importantly, their perceived autonomy in the community.

The mass, who, from ignorance of the position, oppose anything in the form of concessions from the Government to the squatters, would scarcely oppose justice from the landlord to his pastoral tenant, and could clearly understand that justice should compel the fair and full consideration of all the items affecting either annual value or the equally important question of tenure.¹⁹

The hardships of settlement legitimised occupation and ownership. And it was for the common good:

To people who . . . know what settlement in the dry back country really is, it is not a little disgusting to hear the outcry that is continually being made about great fortunes acquired out of "the public estate" and at the public expense, and the outcry is loudest among the people who have taken no part in the struggle, and whose wages, work, and business are being increased by what is going on. The reward which the squatters, and more particularly the back-blockers, receive, taking into consideration the numbers engaged in the work and the proportion of successes to failures, is not excessive, and prospectors seem to get for their reward, in ninety-nine cases out of a hundred, nothing at all (Abbott 1881;21-2).

In the Western Division in the 1880s, large sums were spent attempting to control many environmental changes that were a direct or indirect result of pastoralism. Many runs in the Hillston North and Hay North Land Districts were particularly badly affected by expanding pine scrub (*Callitris* sp.). There is evidence that on some

16 *Report of the Royal Commission into the Introduction of Contagious Diseases Amongst Rabbits*, NSW PP (LAVP), 1889, Vol. 4, p. 23.

17 *Final Report of the Royal Commission into the Introduction of Contagious Diseases Amongst Rabbits*, NSW PP, 1889 (Second Session), Vol. 2, pp. 11-2.

18 *Australasian Pastoralists' Review*, April 1892, p. 572.

19 *Ibid.*, p. 575.

properties investment in the 1880s was dominated by the need to counter the direct threats of plant and animal pests to productivity. Other investments in improvements such as tanks and fences seem to have been made to compensate for falling carrying capacities. Investment was a defensive measure to maintain the productivity and viability of properties rather than a speculative enterprise or product of optimism. This is an important question that needs more research. There is also some indication that the Local Land Boards encouraged these defensive investments. Fences were erected on Yathong Station (considered below) not as an addition to the nominal value of the station but to compensate for expanding *Callitris* which made stock control difficult.

Similarly, overstocking may have been a *response* to the expenses of trying to counter environmental changes that were a product of occupation itself rather than a simple *cause* of these changes. There seem no simple cause and effect relationships in the processes of pastoral and environmental change in the 1880s and 1890s. Overstocking was certainly associated with some environmental changes begun by the *introduction* of stock and European management; but was not necessarily a factor in their nature and extent. The spread of scrub, particularly *Callitris*, one of the most important changes in some areas, seems to have happened because of changes to fire regimes brought about by settlement itself. It is also possible that the high stocking rates on runs like Wangaron in the 1870s and 1880s (discussed below) were not overstocking. Rather, pastures may have been exploited according to their capacity, but this capacity was short-lived because of ecological changes brought about by the fact of stocking and European management. However, high stock numbers undoubtedly constituted overgrazing by the 1890s.

There is an important conceptual difference between perceiving environmental degradation in this period as simply a consequence of bad management or speculation, and perceiving it as the product of a more fundamental incompatibility between the land and European landuse. Changes to the environment were a product of complex ecological interactions brought about by human settlement rather than a simple and direct consequence of human activity. On Yathong and Wangaron, overstocking and environmental damage were not the result of optimism and speculation. Rather, investment and overstocking were at least partly responses to environmental changes. The negative effects of these environmental changes may have been compounded by overstocking. This matter warrants further research.

Wangaron, Yathong and Booligal

The environmental changes and related expenses encountered by some runs in the 1880s are apparent in the cases of Wangaron, Yathong and Booligal. Wangaron and Yathong were chosen at random from the more complete lease files from the Hillston North Land District. They illustrate the problems of many runs in the period: the costs of environmental change and the need for improvements pushed by Local Land Boards to compensate for bad conditions. Wangaron and Yathong were on relatively poor country. Booligal was chosen as an example of a run on good country. When the managers or owners of leases gave evidence to Local Land Boards in hearings to reappraise their rents it was in their interests to highlight the poor capacity of the

country. But the usually detailed reports of Run Inspectors carried out at about the same time probably tempered the usefulness of lessees' exaggeration.

Wangaron needed continued investment in the face of falling carrying capacity. Wangaron was under siege by *Callitris* through the 1880s and more concern was expressed over its effects than rabbits or drought. Over-optimism and speculative investment seem to have played no part in the management of the run in the period. Investments were seen as necessary to maintain productivity and were encouraged by the Inspectors of Runs for Local Land Boards. Wangaron, a run of about 46,800 acres largely covered in mallee and *Callitris*, was granted to Matthew Beven in 1871.²⁰ The run was about forty miles from Hillston. Under the Crown Lands Act, 1884, Wangaron was divided into Leasehold and Resumed Areas. The Resumed Area was occupied by Beven under an Occupation License. After 1887 the Resumed Area was overrun by rabbits and was temporarily abandoned by Beven in 1892.²¹ In February 1894 the Local Land Board recommended that the abandoned land be proclaimed inferior lands and offered at the very low rent of about a penny per eighteen acres.²² The history of the Leasehold Area of Wangaron was equally troubled. According to the Inspector of Runs for the Hillston North Land District in 1891, the Leasehold Area was very heavily infested with rabbits and there was absolutely no grass except for spinifex. The rabbits had ringbarked much edible and some noxious scrub and it was impossible to state what period of rest the country would need to recover. The Inspector saw no sheep, only a few horses living on hay.²³ Rental was appraised by the Local Land Board in May 1891 at six-tenths of a penny per acre.²⁴ The Leasehold and Resumed Areas of Wangaron were combined as a single pastoral lease in June 1897.²⁵ The Inspector of Runs recommended spending more money on the lease. He thought 15,000 yards more tank excavation was necessary. He also recommended enclosing the holding in a netting fence. This would cost £300 per annum for a period, but would reduce the annual cost of rabbit destruction to £200.²⁶

The reasons for twenty-six years of difficulty were given by Beven in 1897 in a sworn statement before the Local Land Board.²⁷ He had fenced and watered the land

20 SANSW, WLC, *Pastoral Lease Files c. 1890-1901*, 10/43877, Wangaron Papers - Lease 142 ('*Pastoral Lease Files c. 1890-1901*, Wangaron Papers'), 97/4921 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Matthew Beven, 1/4/1897.

21 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 97/4921 (Occupation Branch, Department of Lands), Decision of Local Land Board, 95/8983, Application for Attachment of a Resumed Area to a Leasehold Area, 13/8/1895.

22 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 97/4921 (Occupation Branch, Department of Lands), Decision of Local Land Board, 94/5582 (Miscellaneous Leases Branch, Department of Lands) 94/5582, Proposal for Inferior Lands Lease, 30/7/1894.

23 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 92/386 (Occupation Branch, Department of Lands), Decision of Local Land Board, Report of Inspector of Runs, 6/8/1891.

24 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 92/386 (Occupation Branch, Department of Lands), Decision of Local Land Board, 25/11/1891.

25 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 97/5416 (Occupation Branch, Department of Lands), Application for the Attachment of Resumed Area to Leasehold Area, 13/5/1897.

26 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 97/10479 (Occupation Branch, Department of Lands), Decision of Local Land Board, report of George Grant, District Surveyor, 4/8/1897.

27 '*Pastoral Lease Files c. 1890-1901*, Wangaron Papers', 97/10479 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Matthew Beven, 4/8/1897.

and in 1876 had 7,000 sheep on the run which he estimated to be its carrying capacity. But pine scrub had over-run the land so that it could only carry 4,000 sheep; the Leasehold Area only 1,500. It would cost about 5s an acre to clear the scrub on the Leasehold Area. The invading pine scrub had depreciated the value of the run, which he had to mortgage. Although he had spent large sums destroying the pine scrub, the country had deteriorated. Beven claimed that he had used all possible means to work the lands. The whole run – by then 31,600 acres – would carry about 2,000 sheep.

Yathong, also in the Hillston North Land District, experienced difficulties similar to Wangaron in the 1880s. It was a much larger run with a Leasehold Area of about 121,000 acres with diverse vegetation, but largely covered by scrubs.²⁸ An 1886 appraisal set the rent at 1d per acre per annum.²⁹ Like Wangaron, Yathong was in financial difficulty, largely because of scrub and rabbit infestation. An application for reduced rent was made in 1887 although it had been fixed at the lowest rate. The reduction was sought on the basis of inferior grazing capacity. The run was largely covered in scrub, both 'natural' and spreading, making it expensive to operate and parts of the run impossible to improve. According to Joseph Henderson, manager and part owner of Yathong, more tanks, fences and men were needed for the scrubby country. The cost of fencing and tank sinking could not be met. There were many wild dogs. Pine scrub was increasing every year. Rabbits were increasing at an alarming rate and breeding on adjoining unoccupied Crown land. The country had deteriorated through the growth of pine scrub and the edible scrub being eaten out of reach of the sheep.³⁰ It was found by the Local Land Board that the minimum rate of rental was excessive and it was decided that one-tenth of a penny per acre was fair. The Minister for Lands approved a reduction to one-quarter of a penny under the Crown Lands Act, 1884 (s 100).³¹ According to the Inspector of Runs for the Hillston Local Land Board, the carrying capacity could be increased by fifty per cent by scrubbing and clearing at 3s 6d an acre and dividing paddocks to 10,500 acres each.³² Expenditure on improvements appears to be the only way the deterioration could be countered or compensated for. By 1897, £13,557 had been spent on improvements to Yathong.³³ Henderson told the Local Land Board in 1891 that he had been cutting scrub for sheep owing to the rabbits for ten years. That year eleven inches of rain had produced no

28 SANSW, WLC, *Pastoral Lease Files c. 1890-1901*, 10/43887, Yathong Papers - Lease 233 ('*Pastoral Lease Files c. 1890-1901*, Yathong Papers'), 91/5821 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Joseph Henderson, manager and part owner, Yathong, 27/4/1891.

29 '*Pastoral Lease Files c. 1890-1901*, Yathong Papers', 88/2321 (Occupation Branch, Department of Lands), Decision of Local Land Board, 17/2/1888.

30 '*Pastoral Lease Files c. 1890-1901*, Yathong Papers', 88/2321 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Henderson 7/2/1888 and 87/9612 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Henderson, 7/7/1887.

31 '*Pastoral Lease Files c. 1890-1901*, Yathong Papers', 88/2321 (Occupation Branch, Department of Lands), Decision of Local Land Board, 17/2/1888.

32 '*Pastoral Lease Files c. 1890-1901*, Yathong Papers', 88/2321 (Occupation Branch, Department of Lands), Decision of Local Land Board, Report of Inspector of Runs, 7/2/1888.

33 '*Pastoral Lease Files c. 1890-1901*, Yathong Papers', 97/10485 (Occupation Branch, Department of Lands), Report for Appraisalment of Rent, 7/6/1897.

grass, just moss. The rabbits had "poisoned the ground". He had spent £500 on rabbit destruction in 1890.³⁴

The Booligal run included good river plains with frontage to the Lachlan River, among the best country in the Division.³⁵ The run was "judiciously worked" in conjunction with freehold land.³⁶ Booligal too struggled with rabbits which, according to its manager, had depreciated the land by about forty-five per cent. The cotton-bush (also a chenopod) had been completely destroyed and would not return. The manager, reflecting the pressures to overstock, noted that doubling the stock on the land would only add a quarter to working expenses.³⁷

Homestead Lessees also suffered in Hillston North and Hay North Land Districts. Again there were, even in the 1890s, very frequent suggestions by Inspectors of Runs that more improvements be made to the land to increase its carrying capacity. The pressure to improve was probably particularly strong for Homestead Lessees. Homestead Leases were only available after 1884 and many had to construct the most basic improvements to use their leases. Many were wholly or partly unfenced. Many had no natural water supply. The rabbit pest was universal. The holder of Homestead Lease 157 in Hay North claimed in 1896 to have spent £300 a year on rabbit destruction. But the Inspector of Runs considered rabbit control insufficient. By 1891 much of the saltbush was already dead and it was doubtful whether it would return. The lessee thought the carrying capacity had been halved by rabbits.³⁸ The same Inspector reported in 1896 that even though rabbits had been fairly well managed on Homestead Lease 147 in Hay North, they had halved the value of the lease.³⁹ Most of the cotton-bush had been eaten out by 1891.⁴⁰ Yet residency requirements for leases were rigorously pursued.⁴¹

34 'Pastoral Lease Files c. 1890-1901, Yathong Papers', 91/5821 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Henderson, 27/4/1891.

35 Booligal was sometimes spelt 'Booligel'.

36 SANSW, WLC, *Pastoral Lease Files c. 1890-1901*, 10/43887, Booligal Papers - Lease 231, 96/7024 (Occupation Branch, Department of Lands), Report for Appraisal, Report of Run Inspector, 21/4/1896.

37 SANSW, WLC, *Pastoral Lease Files c. 1890-1901*, 10/43887, Booligal Papers - Lease 231, 96/7024 (Occupation Branch, Department of Lands), Report for Appraisal, evidence of Joseph Harris, 21/4/1896.

38 SANSW, WLC, *Homestead Lease Files c. 1885-1901*, 10/43741 ('Homestead Lease Files c. 1885-1901'), Homestead Lease 157, 96/9036 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Inspector of Runs, 28/4/1896.

39 'Homestead Lease Files c. 1885-1901', Homestead Lease 147, 96/9031 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Inspector of Runs, 30/4/1896.

40 'Homestead Lease Files c. 1885-1901', Homestead Lease 147, 91/9726 (Occupation Branch, Department of Lands), Decision of Local Land Board, evidence of Inspector of Runs and evidence of lessee, 23/6/1891.

41 See for example 'Homestead Lease Files c. 1885-1901', Homestead Lease 153, 91/9714 (Occupation Branch, Department of Lands).

3.5 KNOWING THE WEST

From the early 1880s there was a growing awareness of the destruction of native fodder plants and its consequences. De Satgé recalled in 1901 that as early as about 1860 much of the saltbush had disappeared along the Darling near its junction with the Barwon River (1901;118). Williams described many changes to the native flora, including the destruction of saltbush, in some areas of the Riverina in the 1860s. An 1880 paper on the saltbush and native fodder plants of New South Wales noted:

For many reasons . . . it has been too much the interest of every one to let the sheep and cattle of to-day eat the best there is, even if they destroy it off the face of the earth, without regard to what those of to-morrow will do (Dixon 1880;133).

In 1882 it was argued that a supposed decline in the quality of Australian wool was due,

. . . [T]o the gradual but wholesale destruction of the native grasses and herbage all over the country, resulting from the practice which prevails in almost every part of the Colonies of grazing immense flocks of sheep year after year on the same pasturage, without giving any rest to the land to allow of the renewal of the herbage or the reproduction of seeds (Ross 1882;236 see also Rolleston 1882;133).

The drought of the early 1880s highlighted bad management as well as a capricious climate. George Ranken recognised that the threatened shrubs between the Lachlan and the Darling Rivers provided a reserve of food which kept stock alive after the grasses and herbage failed in drought (Ranken 1884;2). When the dry season began, Ranken noted of one station, large flocks were crowded in on the few tanks and the pasture destroyed. The sheep were removed too late and died on the bare roads (1884;7). Ranken attributed the problem to overgrazing rather than to drought alone (1884;9). He thought that the capacity of the West to withstand drought and provide wealth and comfort for the people of New South Wales was remarkable – if it was worked the right way (1884;9).

. . . I am convinced that if each stockowner had stocked his run and provided water on the calculation that these bad seasons were certain to succeed three good years, we would hear very little about famine and desolation now (Ranken 1884;7).

Speculation impeded appropriate management.

Concern had intensified by the beginning of the 1890s. The naturalist Alexander Hamilton, referring to New South Wales as a whole, wrote:

But as things are at present, our forage plants . . . are likely, if not to become extinct, at least to get scarcer and scarcer every year. All practical and experienced men are agreed that during the past twenty years the plains have diminished in stock bearing capability twenty or thirty per cent., and the diminution continues year by year (Hamilton 1892;211).

This 1892 paper won the bronze medal of the Royal Society of New South Wales. Hamilton was President of the Linnean Society of New South Wales in 1915-16 (Gilbert 1983;173-4). In 1891 Frank Turner, the Botanist of the Department of Agriculture, lamented the destruction of native fodder species in the Western Division. In the *Forage Plants of Australia* (1891), he described the decline of many of the chenopods of semi-arid Australia and urged prompt action to halt their decrease and promote regeneration and even cultivation. Turner advocated reserves to help their conservation. There is an impression of desperation in Turner's repetition of this theme. The pastoral importance of thirty-six chenopods are described and in all but a few cases decline is noted. Turner thought the chenopods important to pastoralists because of their palatability and ability to survive the droughts during which, he said, stock always starved. Typically, Turner described the fate of the useful forage plant 'Old Man Saltbush' (now *Atriplex nummularia*). Once prominent in many places in the interior, it was becoming scarcer largely through overstocking although it was also destroyed by rabbits. There had been no attempt to cultivate or even conserve the plant. Stockowners were criticised for doing nothing to cultivate, or even conserve the rapidly disappearing chenopods despite regretting their decline. Turner anticipated that a costly system of cultivation would be needed to feed the flocks if conservation was not undertaken (1891;15). Hamilton agreed that saltbush was the most valuable native forage plant in the West but that overstocking and drought were destroying many of the best species (1892;210).

There was awareness and concern in this period over fundamental ecological changes which were induced by pastoralism to the detriment of the grazing industry and the progress of the Colony. The broad knowledge of the nature of these changes is consistent with the modern interpretations presented in Chapter Two. Ross noted in 1882 that overgrazing caused the disappearance of the palatable pasture in favour of species which were not grazed (Ross 1882;239). Ranken also recorded the replacement of herbs by grasses more resistant to grazing (1884;4). In 1863 there was little or no *Callitris* in the Lachlan District. By 1883 it was said to be rapidly superseding the angiosperm trees (Ledenfeld 1885;721. See also Williams 1962;419). A report on the expansion of *Callitris* near Narrandera, north of the Murrumbidgee, tabled in Parliament identified the problem as an ecological reaction to the introduction of European land management. The report said that the absence of fires of Aboriginal origin allowed young pine to survive which would otherwise be destroyed. The report implies that it was known that these fires were an intentional tool.⁴² This is one of the very rare references to the existence of Aborigines in official documents on the pastoral occupation and management of the West. Fires were frequently noted by Oxley during his exploration of the Lachlan (See Oxley 1820;76).

Hamilton identified three types of disturbance to native vegetation. Vegetation was destroyed through clearing. Second, introduced fauna altered the native flora both directly and indirectly through its effects on native fauna. Finally, introduced flora altered or destroyed the native flora through competition (1892;178). Hamilton also recognised that the burning practices of the Aborigines influenced vegetation composition and that the suppression of fires by Europeans might change this composition (1892;200-3). Hamilton claimed that the enormous quantity of wool

⁴² Report on Pine Scrubs, NSW PP (LAVP), 1883, Vol. 2.

taken annually from the soil must change the composition of the soil and render it less suited to the original vegetation (Hamilton 1892;215). He also noted that removing vegetation exposed the soil surface to erosion and increased drainage, making it drier (1892;189 and 198-200). Hamilton noted legislation prohibiting the destruction of trees useful for fodder: "It seems a marvellous thing that people should have to be protected from themselves by an Act of Parliament, but so it is (Hamilton 1892;210)." Hamilton did not, though, think pastoral growth necessarily incompatible with environmental protection. He envisaged the approximate doubling of the number of sheep in the Colony with irrigation and fodder conservation (1892;212).

Turner saw that the ecology of the plains was being upset by grazing which allowed weeds to successfully compete with the economically useful species.

It should . . . be borne in mind that every fleece of wool which is produced takes a percentage of potash and other fertile substances out of the soil; and nothing, so far, has been done to restore these natural elements back to the earth. It must naturally follow that, if this is continued, the more valuable herbage will gradually give way and a less valuable one take its place . . . (Turner 1891;xii-xiii)

Turner was dismayed about the introduction of exotic weeds, noting that over 200 species had been introduced with seeds (Turner 1891;xiii). In 1904 Turner recorded that many exotic species, many of them weeds, were becoming established in south-western New South Wales (Turner 1904).

A wider though more polemic analysis of the complex difficulties confronted in the Western Division was made in a series of articles in the *Daily Mail* in 1887, fourteen years before the Royal Commission to Inquire into the Condition of the Crown Tenants was tabled. The account of the condition of settlement in the Far West identified, in a period of relatively good seasons, many of the fundamental problems of settlement in the Division which were later to be identified by the Commission after an extended period of drought and financial ruin. It was, however, more radical in its analysis of the problem. The pseudonymous author, 'T.C.', claims to have travelled with the Ministers for Mines and Justice through the Far West to obtain information on the rabbit problem. He argued that under the prevailing conditions almost all the western territory was a ruinous financial burden on the Colony. This was attributed partly to rabbits but it was maintained that under the system of occupation the area was relatively useless to the State (T.C. 1887;4).

The author saw merit in the extensive, lowly capitalised grazing industry of earlier years which allowed for progress which was low in risk, if slow.

An unproductive hundred miles, more or less, then was a matter of little or no consequence. A squatter as a rule held several such blocks and did the best he could with them. If the season would admit of his stocking them all he did so; if not, the nominal rent did him no harm. He was under no temptation to overstock . . . (T.C. 1887;5)

The risks of inappropriate and excessive investment and speculation in the 1870s and 1880s were recognised. Prosperity and good seasons in the 1870s promoted

investment. But capital could not compel rainfall and feed (T.C. 1887;5). It was maintained that those ". . . best acquainted with the treachery of the then plausible climate – were not, as a rule, smitten by the mania for Far Western sheep stations (T.C. 1887;5)." By 1884, he observed, Western Division pastoralists were highly indebted due to over-investment. Rabbits and drought made it impossible for many to pay their rents and maintain a livelihood (T.C. 1887;6). The broad classification of New South Wales into three Divisions in 1884 was supported, however he argued that it did not go far enough in recognising the fundamental environmental constraints on settlement in the Western Division (T.C. 1887;3). Any general system of homestead leasing in the dry country was considered out of the question (T.C. 1887;7).

Speculation in property in the Western Division was also seen to have changed the public attitudes toward the Division and to have strongly influenced the nature of tenure. The speculation and inflated rents and prices in the Western Division led to the placement of a ". . . fictitious value upon the land in the eyes of the public, to which the extravagant estimates of the present Act [1884] are mainly to be attributed (T.C. 1887;6)." The acceptance of the Act by pastoralists was attributed to the great importance they gave fixity of tenure because of the enormous sums invested in their leases. This support was given despite increased rents. The attraction of fixed tenure was also partly attributed to dread of selectors (T.C. 1887;6).

T.C. saw the Western Division as apart from New South Wales and objected to the interests of the squatters being subsidised, particularly in regard to the rabbits.

. . . [T]he products of our rabbit-infested country do not belong to New South Wales. They are immediately exchanged for money in outside markets, and the bulk of this money goes to other colonies. Even the proportion required to buy the necessaries of life for the men working the stations is spent in Victoria or South Australia, so that practically speaking we here get nothing from our far Western territory beyond the mere rent received from it and the trifling amount collected in Customs dues from that portion of the land's products which comes back in the shape of imports of goods (T.C. 1887;9).

He argued that because such a large portion of the subsidised profits of pastoralism in the Western Division were used to repay money borrowed outside New South Wales, the land could not really be considered territory of New South Wales (T.C. 1887;14).

3.6 ADAPTING TO THE WEST

Water Conservation

One response to the manifest problems of pastoralism was to adapt the Western Division to the needs of the industry through water conservation. A Royal Commission into the conservation of water, which reported between 1885 and 1887, was partly a response to the threats to the environment and the pursuit of settlement recognised in the early 1880s. W.J. Lyne, an advocate of water conservation, asked the Government in Parliament in 1884 to appoint such a Commission in part to

investigate the development of the underground water reserves in the interior.⁴³ Lyne specifically referred to the great losses of stock in the West which accompanied the periodic droughts. Russell argued that these underground reserves must exist due to the great surplus of rainfall in the basin of the Darling over the volume of water in the river (See Russell 1879). This theory seems to have been generally accepted in the scientific community by 1885 at the latest (Curran 1885). W.E. Abbott strongly advocated boring for underground water which he, very accurately, believed to exist under large areas of the Division (1881;22-30 and 1884. See also Wilkinson 1881). In 1882 the President of the Royal Society of New South Wales expressed concern that without artificial aid the rate of increase in flocks could not be maintained. Moist seasons were the exception rather than the rule and native pastures were deteriorating through persistent overstocking, marsupials and drought. The best pasture species were said to be dying out (Rolleston 1882;131. See also Pepys Wood 1883). Settlement in the Western Division had by 1880 expanded into the 'back-blocks' or naturally waterless country. This entailed the construction of tanks, a slow, expensive and financially risky process (Abbott 1881;18-21 and Ranken 1884;2-3).

The Royal Commission, presided over by Lyne, concluded that the prosperity and development of the entire Central and Western Divisions depended on irrigation and water conservation.⁴⁴ The drought of the 1880s had highlighted the need for irrigation, particularly in the Darling country.

Individual effort so far seems to have been powerless to cope with these disastrous droughts . . . At present the Darling country seems to have attained its limit of expansion; and unless the benefits of irrigation can be placed within the reach of the pastoralist his enterprise must remain restricted, and he must continue to see his flocks perish in the frequently recurring times of drought.⁴⁵

Previous private attempts to irrigate fodder crops on the Darling were seen as successful and irrigation was supported by settlers.

The Royal Commission highlighted the need to irrigate the Western Division and the eminent suitability of the land – but the water was missing. Its recommendations for possible water conservation in the West fell far short of the perceived need. The Commission recommended improving the supply of water to Willandra Billabong Creek by diverting the floodwaters of the Lachlan. It also recommended diverting floodwaters into other smaller and usually dry creeks. But it was noted that this would probably not provide enough water for irrigation except on a very small scale. Its main benefit would be to provide water for tanks and dams.⁴⁶ The discharge of the Darling was thought too small and uncertain to provide for permanent irrigation canals. Floodwater, though, could be usefully diverted into natural lakes, lagoons and anabranches for stock or irrigation. Weirs built on the Darling for this purpose would

43 NSW PD, Vol. 11 (First Series), 5/2/1884, pp. 1605-10.

44 *Royal Commission - Conservation of Water, Third and Final Report*, NSW PP (LAVP), 1887, Vol. 5 ('*Royal Commission - Conservation of Water, Final Report, 1887*') p. 18.

45 *Ibid.*, p. 11.

46 *Royal Commission - Conservation of Water, First Report, 1885*, NSW PP (LAVP), 1885-86, Vol. 6 ('*Royal Commission - Conservation of Water, First Report, 1885*'), p. 57.

also maintain the level of the river during droughts.⁴⁷ The area between the Bogan, Darling, and Lachlan Rivers and the Willandra Billabong was considered practically destitute of water for irrigation. The report noted generally that there was no consensus on the subject of water conservation and irrigation.⁴⁸ W.E. Abbott, for instance, argued that building the type of weir on the Darling suggested by the Commission was too expensive and risky for lessees and that even as a national project the difficulty of the task was underestimated (1884;103-5). The Commission attached the "greatest importance" to the ownership by the State of all rivers water-courses and lakes.⁴⁹ The Commission recognised the gap between the hopes for irrigation and the realities of the water supply in western New South Wales.

An erroneous impression which we have found to prevail among some witnesses is that the advocates of irrigation think it practicable to irrigate the whole of the western plains. It is not a matter for surprise . . . that the notion of irrigation should be scouted by those who are painfully familiar with the sparse and irregular character of the rainfall in that part of the Colony.⁵⁰

Some had a more positive outlook. An 1892 report by H.G. McKinney, Chief Engineer for Water Conservation and keen proponent of irrigation and water conservation, and F.W. Ward to the Secretary for Public Works was much more optimistic. This optimism reflected McKinney's energetic advocacy of large-scale irrigation in the West (See McKinney 1889, 1896 and 1901). The report complained that the Darling country was wilderness and that settlement was transitory and cheap: few houses had English embellishments.⁵¹

For ourselves, we look forward confidently to a time when the present monotony of river forest and droughty plain will be changed into an inspiring picture of Australian prosperity.⁵²

The report acknowledged practical difficulties with finding sites for locks and weirs similar to those identified in 1885.⁵³ Other problems identified in 1885 did not seem to be given serious attention in a report more convincing in its assessment of the desirability of irrigation than its practicability. This report was to be one of many that were to enthusiastically 'boost' the capacity of the West to support settlement.

Legislation

The Crown Lands Act of 1889 eased the position of pastoralists in the Western Division. Pastoral and Homestead Lessees were given the option to apply for twenty-one year leases divided into three periods of seven years for each of which rent was to be reappraised. The Act also provided for the reappraisal of the rents on Resumed Areas (s 29). Minimum rents were abolished. Homestead Lessees were permitted to increase their holdings to the maximum 10,240 acres (s 34). Inferior Lands Leases

47 Ibid., p. 60.

48 'Royal Commission - Conservation of Water, Final Report, 1887', pp. 8 and 17.

49 'Royal Commission - Conservation of Water, First Report, 1885', p. 102.

50 Ibid., p. 32.

51 *Utilisation of the Darling River, A Report to the Secretary for Public Works W.J. Lyne*, NSW PP (LAVP), 1892-93, Vol. 2, p. 5.

52 Ibid., p. 20.

53 Ibid., p. 16.

were introduced to encourage the settlement of land which was vacant or had been abandoned (s 37).

The prospect of an additional seven year extension of Pastoral and Homestead Leases was offered – but as a reward for improving the land. The extension depended on a report of the Local Land Board to the Minister on the value of the improvements, whether they were genuine and whether they "materially benefitted" the land. Although improvements were encouraged there was no long-term reward. Western Division leases were not to be extended beyond the additional seven years and all improvements were to become the property of the Crown, without compensation, when leases expired (s 43). Incentives were given to develop artesian water on Occupation Licenses and annual leases (s 45).

The Act tried to further distance land administration from political influence, a reform some thought would restrict the flexibility of administration. A Land Court was established to assess appeals against decisions of Local Land Boards (s 8). They had previously been assessed by the Minister for Lands. The *Australasian Pastoralists' Review* warned that reducing the Minister's role, which had already been curtailed under the 1884 Act, together with the power of selectors, could impede their interests. The *Review* warned that although the Minister for Lands could promise to help by legislation, he had lost his individual power to reduce rents or grant leases. The power had been handed over to the Land Court which was compelled to act within the strict guidelines of the Act.⁵⁴

The *Review* protested about the absence of any sophisticated system of classification of land in the Act:

. . . no legislation can ever be a success until all the lands of the colony have been properly classified. This want of classification was the greatest blot in the 1861 Act, and though a half-hearted and feeble attempt in this direction was made in the 1884 Act, it was so weak as to be next to useless.⁵⁵

Classification was seen as a way to measure the worth of land, preventing speculation and ensuring land was assigned to the appropriate class of land user. The Land Boards, it was argued, knew the land intimately and would be able to classify it properly. Classification would allow large areas of the State in which small settlement was clearly inappropriate to be securely left to pastoral interests and removed from farmers' objections to the extension of pastoralists' leases.⁵⁶

The Crown Lands Act, 1895, gave further concessions to tenants facing growing economic and environmental stresses. The Act allowed most Western Division lessees and licensees to apply for a reduction in rent if they thought that devastation by rabbits, falling values of stock or wool, deterioration of the grazing capability of the land, or other similar factors, had caused their rents to be excessive (s 9). The Act explicitly allowed latitude to be given in the treatment of Crown tenants who breached terms of their leases or licenses (s 44). The duration of Pastoral and

⁵⁴ *Australasian Pastoralists' Review*, April 1892, p. 572.

⁵⁵ *Ibid.*, pp. 572-3.

⁵⁶ *Australasian Pastoralists' Review*, May 1892, pp. 620-1.

Homestead Leases was extended to twenty-eight years, divided into four periods of seven years for which a separate rent appraisalment was to be made (s 7). The Act also gave Homestead and Pastoral Lessees tenant-rights to their improvements (s 7). Lessees in the Western Division were given the right to the freehold of up to 640 acres around their homesteads (s 27). Resumed Areas were returned to the holders of Leasehold Areas where they were otherwise unlikely to be occupied (s 8). This measure was partly an attempt to counter the abandonment of Resumed Areas which was seen to be creating breeding grounds for noxious plants and animals. The *Australasian Pastoralists' Review*, predictably, supported the abolition of Resumed Areas.

The new area is certainly a superior form of tenure to the "resumed" in that, while it lasts, it absolutely bars selection; whereas the resumed area is little better than a weekly tenure, held at the caprice of that wandering potentate, the homestead lessee.⁵⁷

Yet the Act introduced Homestead Selection and Settlement Leases to encourage settlement of the 'small man' on Crown lands. Low rents were charged and residency was a requirement for Homestead Selections. They were smaller than the Homestead Leases intended specifically for the Western Division. They were to be granted only in areas considered suitable for this form of settlement – 'survey before selection' (ss 13-24).

3.7 THE ORGANISATION OF INTEREST GROUPS

A pastoralists' union was formed in New South Wales in 1890 reflecting the increasing organisation of farmers and pastoralists throughout Australia. The Union was formed to counter threats to pastoralists' interests posed by the unionisation and growing militancy of shearers, particularly the Australian Shearers' Union. The first annual general meeting of the Pastoralists' Union of New South Wales was held on 9 July 1891 in Sydney.⁵⁸ About 200 members were represented. W. Alison, President, stated that the purpose of the organisation was to preserve freedom of contract: "An employer is to be free to employ whom he pleases and an employee to be free to engage or to refuse to engage to work as he pleases."⁵⁹ Whiteley King, Secretary of the Union told the meeting that it was formed to protect pastoralists from the tyranny of leaders of the Shearers' Union, and to secure unity of action by establishing a representative and authoritative organisation.⁶⁰ In 1891 some thirty-four District Councils representing much of New South Wales were formed under the Pastoralists' Union.⁶¹ It was decided in 1892 to divide the Colony into electorates based on sheep districts returning thirty-three Members of Council.⁶² In its early years the Pastoralists' Union kept to matters of labour relations despite requests from many members that the organisation diversify to represent their interests more generally.

⁵⁷ *Australasian Pastoralists' Review*, August 1895, p. 325.

⁵⁸ ANU NBAC, NSW Farmers' Association, *Pastoralists' Union of NSW, General Meeting Minutes*, Vol. 1, 9/7/1891 to 6/7/1910, N/123/71 ('*Pastoralists' Union General Meeting Minutes*'), pp. 3-28.

⁵⁹ *Ibid.*, pp. 4-6.

⁶⁰ *Ibid.*, p. 8.

⁶¹ *Australasian Pastoralists' Review*, May 1891, p. 61 and July 1891, p. 136.

⁶² '*Pastoralists' Union General Meeting Minutes*', pp. 44 and 52-4.

Similar pastoralists' unions were created in Victoria, South Australia and Queensland for similar reasons and with similar objectives. The State pastoralists' unions were federated under a Council. The journal, the *Australasian Pastoralists' Review* was formed as part of the growing organisation of pastoral interests. Its first edition, of March 1891, explained the need for its creation:

The agitation which has been going on for some time past amongst a large section of the working classes has assumed an aspect which no one who has anything to lose can afford to disregard . . . We are in face of a socialistic propaganda which aims at nothing short of the overthrow of all the existing landmarks of society and . . . the robbery of the present owners of property . . . Land is a visible, tangible possession, and the isolation of country settlers makes it exceedingly difficult for them to act in concert. For the latter reason a few agitators in the towns, acting upon an ill-informed and excitement-loving city population, have obtained a power far beyond their real importance in the colony.⁶³

The *Review* aimed to help maintain unity among pastoralists and encourage the extension of the existing organisation of the pastoralists' unions.

Many of the attitudes and fears of pastoralists articulated under the threat of labour unionisation reflected their perceived place in wider society. These perceptions were to influence the management of the Western Division under the Western Land Act. The *Review* argued that pastoralists were an isolated and misunderstood section of the community. "If once the pastoralists fall apart again into their old isolation, their doom is sealed."⁶⁴ It was concerned about the development of a hostile legislature and the perceived ignorance of the urban dwellers of the circumstances and importance of pastoralism. The *Review* advocated the formation of a country party.⁶⁵ It also reminded its readers that the Minister for Lands had interests other than their own to satisfy:

The pastoral lessees must also remember that Mr. Copeland has a very important section of the community to deal with in the selector and small holder. Their number is vastly greater than that of the pastoral lessees, and consequently their cry is louder and more important in the eye of Parliament.⁶⁶

In the urgent early years of the Pastoralists' Union of New South Wales there was a unity of purpose with many smaller settlers but fundamental differences between the objectives of the groups were quickly uncovered. When, in 1891, District Committees of the Union were being established in the Dubbo area, the president of the local Selectors' Association strongly recommended that the small settlers throw in their lot with the pastoralists.⁶⁷ At an extraordinary general meeting held in September 1891, W.E. Abbott, a member of the Union Council, moved that the meeting adopt the recommendation of the Federal Council that unions be permitted to waive the

63 *Australasian Pastoralists' Review*, March 1891, p. 1.

64 Ibid.

65 Ibid., pp. 1-2.

66 *Australasian Pastoralists' Review*, April 1892, p. 572.

67 *Australasian Pastoralists' Review*, May 1891, pp. 60-1.

payment of membership levies by small sheep owners.⁶⁸ In 1892 the Pastoralists' Federal Council recommended that special inducements be offered to smaller owners to join.⁶⁹ The *Australasian Pastoralists' Review*, reporting on an 1892 farmers' conference at Wagga Wagga, protested that the resolutions were all in favour of the selector and unjust to the Pastoral Lessee. It claimed that selectors were already treated so liberally that it was an injustice to others and warned against opening too much land to selectors.⁷⁰

Much of the Western Division was not directly represented by the Pastoralists' Union of New South Wales. A meeting of the Pastoralists' Federal Council of Australia held in February 1892 determined the territorial limits of its member associations. It was decided that the Riverina, including the south of the Western Division, be represented by the 'Pastoralists' Union of Victoria and the Southern Riverina' and the area of New South Wales west of the Darling River be represented by the 'Pastoralists' Association of South Australia and West Darling'. These two organisations were formed from the original pastoralists' associations of Victoria and South Australia.⁷¹ The West Darling and Southern Riverina formally split from their State organisations about 1907, apparently for legal reasons, becoming the Pastoralists' Association of West Darling and the Pastoralists' Union of Southern Riverina.⁷² They kept close ties with their States of origin. Figure 3.2 shows the large areas of the Western Division represented by these associations in 1927. The figure also clearly demonstrates that, in the 1920s at least, the West had few representatives in the Graziers' Association of New South Wales. The Pastoralists' Union was renamed the Graziers' Association in 1916.

The Western Division Divided

The separation of the Western Division demonstrates both the artificiality of considering the area as a uniform entity and something of its place in New South Wales. Parts of the Western Division were isolated from the populated areas of New South Wales and identified with other States; they were not entirely part of New South Wales. Pastoralists west of the Darling River had strong commercial connections with South Australia. Similarly, the pastoralists of the Southern Riverina had long-standing commercial and social links with Victoria, based partly on proximity, transport routes, trade and the place of origin of settlers.⁷³ Pastoralists west of the Darling and in the Riverina saw their place in pastoral Australia in other than the mainly administrative terms that formally defined the Western Division. Morris

68 'Pastoralists' Union General Meeting Minutes', p. 32.

69 *Australasian Pastoralists' Review*, May 1892, p. 610.

70 *Australasian Pastoralists' Review*, July 1892, pp. 727-8.

71 *Australasian Pastoralists' Review*, September 1892, pp. 804-6.

72 ANU NBAC, NSW Farmers' Association, *Graziers' Association of New South Wales (GANSW) Miscellaneous Correspondence*, E256/1647, "Recollections of Mr. J.W. Allen, Former Secretary of the Pastoralists' Union of NSW and the Graziers' Association of NSW."

73 See ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/1647, "Recollections of Mr. J.W. Allen, Former Secretary of the Pastoralists' Union of NSW and the Graziers' Association of NSW". See also *Hay Standard*, 2/2/1887.

and Ranken noted in their 1883 inquiry into the land laws that in the Albert District, in the far northwestern corner of the New South Wales:

They have little faith in or expectation of any consideration from the Government of New South Wales. The owners of stations are nearly all from Victoria, and business relations are largely with Melbourne, while political aspirations are directed to South Australia.⁷⁴

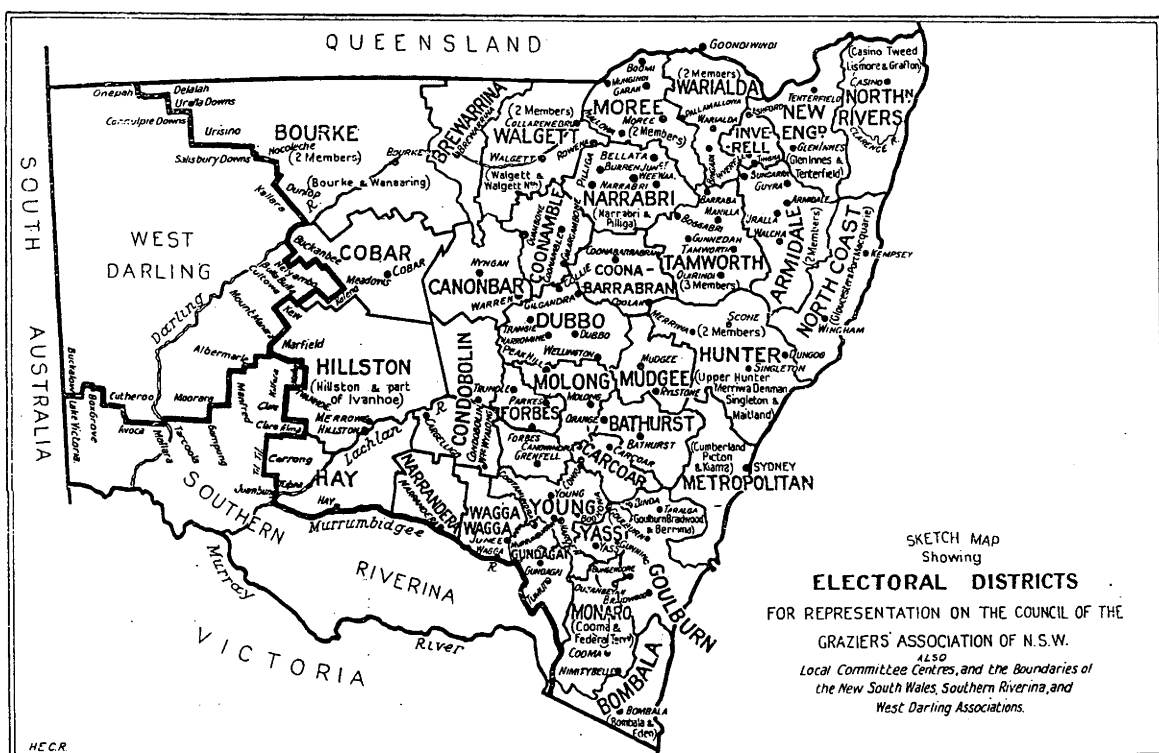


Figure 3.2 Areas of the Western Division represented by the West Darling and Southern Riverina graziers' associations and the electoral districts of the Graziers' Association of New South Wales, 1927.⁷⁵

⁷⁴ Report of Inquiry into the State of the Public Lands and Operation of the Land Laws, NSW PP (LAVP), 1883, Vol. 2, p. 67.

⁷⁵ Graziers' Annual, 1927.

Small Settlers

By the 1890s, small landholders were also becoming more organised in New South Wales, and in 1893 the Farmers and Settlers' Association was formed. Farmers had long sought land reform and were an important element in the formulation of land legislation from the 1860s. Free Selectors' Associations and other organisations representing the agricultural frontier appeared through the 1870s and 1880s (Graham 1966;48 and 56). Conferences seeking land reform were held through the 1880s and early 1890s. In 1893 a conference of farmers' unions at Cootamundra sought amalgamation. The conference was widely supported and the 'Farmers and Settlers' Association' formed. Nine Members of Parliament were present (Bayley 1957;43). The constitution of the Farmers and Settlers' Association was adopted in the 1893 conference at Cootamundra and the first annual conference of the Association was held in 1894 (Bayley 1957;67).

The Farmers and Settlers' Association was formed principally to secure land reform, particularly access to land for smaller settlers. In its early years the Association was described in its official history as the voice of the desires of potential settlers who were demanding a greater share of the wealth and work of the colony (Bayley 1957;19).⁷⁶ Although the 1890s was a period of rural crisis, particularly in the Western Division, it was also a time of economic recession throughout the Colony. Access to land offered perceived opportunities in this depressed period as it was to do again in the 1930s. The catalyst for the formation of the permanent Farmers and Settlers' Association was the Crown Land Act, 1889, which gave concessions to pastoralists. Selectors' conventions held in at Wagga Wagga in 1890 and 1892 demanded the abolition of the Land Court, the repeal of the provisions permitting the extension of leases, and legislation providing for the election of members of the Land Boards, which were often dominated by graziers or their allies (Graham 1966;56-7). The Farmers and Settlers' Association developed in the Central Division, but was quickly to influence the Western. The 1895 Crown Lands Act, which eased conditions on leases in the Western Division yet provided for small Homestead Selections reflected the simultaneous pressures to give concessions to pastoralists and give land to those without it.

It is also likely that the organisation of small landholders was partly due to the increasing organisation of labour and pastoralists in the 1890s. The Farmers and Settlers' Association was primarily concerned with winning land reform rather than with questions of labour. But the rapid and effective organisation of the interests of workers and pastoralists may have been an example to the smaller settlers and their various organisations, if not a perceived threat. The Farmers and Settlers' Association used an existing base of selectors' power that already existed in the New South Wales Parliament (Graham 1966;57).

Although the main purpose of the Farmers and Settlers' Association was land reform, they expressed wider concerns. Their 1894 conference discussed leases in the Central Division, unnecessary Crown reserves, immediate survey of land required for

⁷⁶ Bayley's history was commissioned by the Farmers and Settlers' Association and was very favourably disposed toward them.

settlement, government loans for farmers, destruction of noxious weeds and the abolition of interest on unpaid instalments of Conditional Purchases (Bayley 1957;46). At this time the Association was essentially an entity of the Central Division (Bayley 1957;48). An 1897 constitution of the organisation included aims to unite all farmers' unions and selectors' associations in New South Wales, to secure land laws suitable for the majority of selectors and to foster land settlement (Bayley 1957;50-1). It also urged the reclamation of abandoned Crown Lands in view of the demand for land and also because of the need to destroy noxious plants and animals (Bayley 1957;54).

3.8 CRISIS

The economic and environmental crisis in the pastoral industry of the Western Division that had been building in the late 1880s intensified in the early 1890s. High levels of capital formation in pastoralism continued until 1891 based on readily available British capital and fierce competition among lenders but fell into a prolonged depression in 1892 (Butlin 1964;107 and Cain 1963a). A sharp fall in wool and livestock prices in 1890-91 became manifest in reduced levels of pastoral capital formation after a time lag of up to two years (Butlin 1964;433-4). The retreat from pastoral investment was reinforced by the physical deterioration of sheep stations as a result of overstocking and rabbits, and by drought (Butlin 1964;434 and Cain 1963a;19). On many stations in the drought year of 1892 working expenses alone, excluding interest payments, absorbed both wool proceeds and most net stock sales (Bailey 1966;140). Planned reductions in stock numbers occurred in the first half of the 1890s but these were insignificant compared with drought losses between 1895 and 1902 (Butlin 1964;435). Figure 3.1 shows that the number of sheep in the Western Division fell to around 4,000,000 in about 1902 from a peak of nearly 14,000,000 in about 1890.

Figure 2.2 shows that from a peak in the late 1880s, the generalised rainfall of Ivanhoe, Menindee and Wilcannia declined through the 1890s to very low levels from about 1900 to 1903. But in the early 1890s rainfall, although in decline, usually remained fairly high relative to the long-term record. Any experience of drought in the early 1890s may have reflected overstocking and environmental change. In an environment stressed by the relatively recent introduction of pastoralism and overstocking, the effect of any decline in rainfall may have been particularly quick and severe as pastures were over-taxed.

Financial and pastoral companies faced large losses on pastoral properties. By the end of the 1880s the market values of stations were often considerably below book values (Butlin 1964;436). Goldsborough Mort faced the prospect of the withdrawal of British debentures and, unable to obtain banking support in the financial crisis to meet this threat, suspended in June 1893. New Zealand Loan suspended in the same year (Butlin 1964;438). Although suspensions were an exception, all financial institutions were subject to a drain of foreign exchange and the threatened or actual loss of short-term debentures or deposits due to overseas investors. Drastic curtailment of advances was essential, reducing funds for pastoral investment (Butlin 1964;439). A rise in the price of wool after 1894 continued into the twentieth century, but did not prompt a

significant revival of pastoral investment (Butlin 1964;439). Cain studied ten stations in the Western Division between 1896 and 1900 in which Goldsbrough Mort had an interest. Although working cash surpluses were made on the stations every year except 1902 (largely through stock sales), the company's valuation of the stations was reduced by fifty-six per cent (Cain 1962;440-55. See also Cain 1966).

As funds were withdrawn from the pastoral industry in the 1890s, the control of runs by lenders increased sharply (Butlin 1964;435-6). According to Butlin, some financial companies foreclosed to allow the maintenance of a nucleus of flocks which was beyond the capacity of the indebted pastoralists. This was particularly the case in the Western Division, where possibly half the total leaseholds were in the possession of and operated by financial institutions in 1900 (Butlin 1964;440). By 1893 AML & F was mainly concerned with operating a chain of foreclosed properties. The company intended to dispose of the properties as soon as possible but there was no market for properties in the Western Division (Bailey 1966;138 and 157). The Sydney manager of the Australasian Mortgage and Agency Company, another of the large pastoral companies with interests in the Western Division, was most anxious to keep mortgagors on their land; it did not want to possess or control the management or working of stations⁷⁷. The fate of pastoralists who remained independent of the direct intervention of finance companies is not known.

These conditions were not unique to New South Wales and a crisis in rangeland pastoralism was officially recognised in South Australia in 1890 when a Pastoral Lands Commission sought the best way to deal with the pastoral lands of the Colony.⁷⁸ The Commission noted extensive abandonments of country which were likely to continue. It found that low prices for wool and stock, distance from markets and competition from other colonies with better rainfall had impeded the pastoral industry. In many places vermin had seriously diminished the carrying capacity and resulted in heavy expenses. The Commission also found that not enough had been done to promote the search for and development of water resources. Extending railways was recommended. An additional impediment was: "An unmistakable disposition on the part of pastoralists, capitalists, and others to mistrust Parliament in matters affecting the occupation of land."⁷⁹

The South Australian response to their rangelands crisis strongly influenced New South Wales. The Commissioners recommended against rigidly limiting the area allowed for lessees because climatic uncertainties required the occupation of a wide scope of country. The Commission also recommended introducing a Pastoral Board.⁸⁰ The Board was established in 1893 and had three members, one of whom was the Surveyor-General.⁸¹ It was to determine the area and boundaries of new leases, evaluate lease applications, value improvements, and determine the carrying

⁷⁷ *Royal Commission into the Condition of the Crown Tenants, Minutes of Evidence*, NSW PP (LAVP), 1901, Vol. 5, pp. 785-6.

⁷⁸ *Report of the Pastoral Lands Commission*, SA PP, 1891, Vol. 3, Paper No. 33.

⁷⁹ *Ibid.*, pp. v-vi.

⁸⁰ *Ibid.*, p. vii.

⁸¹ The Pastoral Lands Act, 1893.

capacities of runs upon which rents were based.⁸² A Pastoral Board, descendant of this Act, still administers pastoral leases in South Australia.

Another Pastoral Lands Commission, appointed in South Australia in 1897, further influenced the later policies of New South Wales.⁸³ The Commission was directed to recommend ways to induce the occupation and development of the pastoral lands of the Colony. The extremely depressed condition of the industry was attributed in part to the want of length and security of tenure which had prevented its proper development. Rents were too high. Rabbits, dogs the decline in prices and the frequently recurring droughts, particularly the unusually protracted one over the previous four years, were all factors. The Commission recommended that the Pastoral Board assess pastoral lands on the basis of carrying capacity and proximity to markets, railways and ports. To prevent land being taken up for purely speculative purposes, and to ensure the satisfactory utilisation of land, it recommended that lessees be obliged to spend money on improvements over a certain period.⁸⁴ Heavy investment seemed to be considered necessary for successful pastoralism. Difficulties were not perceived to be caused by high investment levels demanding excessive returns, but by the factors limiting those returns. Debt was not mentioned in either report of the Pastoral Commission. An Act based on the recommendations of the Commission gave pastoral lessees terms of forty-two years. The term of leases that were likely to be needed for closer settlement was set at twenty-one years. New Pastoral Lessees were required to spend a minimum sum improving their leases.⁸⁵ The South Australian measures were supported by the annual meeting of the Pastoralists' Association of South Australia and West Darling in 1899. The President reported that the measures were in line with recommendations made by the council of the Association seven years before.⁸⁶

Pastoralism in Queensland was also suffering from the economic slump and drought, but pastoralists accepted that land was needed for other settlers. In September 1899, a deputation presented a petition to the Premier signed by 412 lessees representing over 500 station properties. Their leases were about to expire or were expiring, leading to great uncertainty over the enormous capital that had been invested in the industry. Finance companies were withdrawing advances, and improvements were being progressively curtailed. The petitioners said they were fully aware that they would be required to surrender portions of their holdings for other forms of settlement and asked that only part of leases be resumed and that the remainder be given a lease with a tenure that would give security for money invested.

We cannot think, however, that it is intended to resume the whole of these holdings or that the public interests would be advanced by the abolition at a stroke of a class of occupiers who have done so much for the development of this country.⁸⁷

82 The Pastoral Lands Act, 1893, ss 18, 29, 58 and 66.

83 *Report of the Pastoral Lands Commission, 1898*, SA PP, 1898-99, Vol. 3, Paper No. 77.

84 *Ibid.*, p. iv.

85 The Pastoral Amendment Act, 1898-9, ss 2 and 5.

86 *Australasian Pastoralists' Review*, August 1899, p. 370.

87 *Australasian Pastoralists' Review*, September 1899, p. 417.

The *Australasian Pastoralists' Review* recognised that a fundamental question was how to give security of tenure to large pastoral holdings while providing for smaller settlement which was required by increasing population.⁸⁸

With the stresses of the 1890s the rights and responsibilities of landholders and Government over the land were reassessed throughout New South Wales. Pests did not respect the boundaries of property. J.H. Maiden, Consulting Botanist to the Department of Agriculture, warned in 1895 that the area infested by weeds was yearly increasing and that this would continue unless organised steps were taken. The number of species being introduced to Australia was also said to be increasing (1895;91). Maiden's statements were informed by a survey of farmers and others conducted by the Department of Agriculture (1895;97). Joseph Carruthers, the Minister for Lands, proposed a Bill that would oblige landholders to destroy the noxious weeds on their own property with local authorities having powers of oversight. Landholders' autonomy had to be sacrificed to the Government, as a coordinating body, and to collective endeavour. In 1897 Carruthers invited representatives from Pasture and Stock Protection Boards, selectors' associations, farmers' unions and leading agency firms in Sydney to discuss and make recommendations on the Noxious Weeds Bill (New South Wales Department of Lands 1897). The conference resolved in favour of compelling the destruction of noxious weeds. W. Alison, though, opposed strong Government or collective control over weed destruction. To fully control weeds by any method was impossible and he foresaw the rights of individuals being seriously jeopardised (New South Wales Department of Lands 1897;5-6).

The bleak condition of parts of the Western Division was described in 1896 in evidence given to a Parliamentary Committee investigating a proposed railway between Condobolin and Broken Hill.⁸⁹ Pastoralists had less to gain from exaggerating the crisis of the West to this enquiry than to the 1901 Royal Commission into the condition of the Crown Tenants, from which pastoralists sought recommendations for concessions. The Committee noted that it was universally stated that the advent of rabbits diminished the carrying capacity of pastoral holdings north and west of the Lachlan by at least thirty per cent and by more further west.⁹⁰ The rabbits were responsible for the replacement of edible herbage with weeds. The Acting Inspector of Stock in the Mossgiel District doubted whether some of the country would ever recover.⁹¹ The owner of the 172,000 acre Mossgiel Station said that the cotton-bush and saltbush had almost disappeared but had been replaced by grasses.⁹² The Manager of Marfield Station of 248,700 acres near Ivanhoe stated that the run had lost all its cotton-bush, saltbush and bluebush through rabbits and overstocking.⁹³ The manager of Baden Park, 208,000 acres, sixty miles north of Ivanhoe thought the country had deteriorated by about half but could recover in a

⁸⁸ *Australasian Pastoralists' Review*, October 1899, p. 461.

⁸⁹ *Parliamentary Standing Committee on Public Works, Report on the Proposed Railway from Condobolin to Broken Hill*, NSW PP (LAVP), 1897, Vol. 5 (*Standing Committee Report on Railway from Condobolin to Broken Hill, 1897*).

⁹⁰ *Ibid.*, p. 26.

⁹¹ *Ibid.*, p. 66.

⁹² *Ibid.*, p. 71.

⁹³ *Ibid.*, p. 76.

couple years without rabbits. Every vestige of the cotton-bush and saltbush had disappeared and would never come back, but equally good grasses might come. But it would never be the country it was when there was saltbush.⁹⁴ The part-owner and manager of the huge Kilfera station (832,000 acres) thought the carrying capacity of the run had significantly deteriorated. He said the Resumed Areas of several of the stations along the rail route had been abandoned with thousands of pounds improvements and there was no chance of their being taken up under present conditions.⁹⁵ He agreed that the rabbits destroyed the edible bushes which never grew again, ruining the country's capacity to support stock in drought. He thought the grass country resilient and better than it was fifteen years previously.

The Standing Committee explicitly wanted to promote settlement, but determined that beyond Hillston the land was clearly passing beyond the limits where agricultural settlement was then possible. Distance from market, the unsuitability of much of the soil as well as the scanty rainfall mitigated against settlement.⁹⁶

. . . [H]ow is closer settlement possible in a country visited periodically by heavy droughts, and with an average carrying capacity of one sheep to 10 acres? It is especially unwise . . . on such land in a colony yet possessed of vast areas more suited for close occupation.⁹⁷

The lack of pest control on Government land was resented. The Committee reported millions of acres of practically deserted Crown land which were breeding places for rabbits and wild dogs.⁹⁸ "The Government are breeding dogs to kill out sheep."⁹⁹ The Acting Stock Inspector for Mossgiel said that the nearer property was to abandoned areas the less it was worth.¹⁰⁰

3.9 THE MYTH OF THE WEST

In the 1890s western New South Wales, perhaps with the aid of its great crisis, took a central place in the development of the bush myth, or the idea of the "Australian legend" developed by Ward. Ward described the characteristics of the legend as independence, practicality, improvisation, endurance and anti-authority. Ward argued that these characteristics were widely attributed to the bushmen of the nineteenth century, particularly the outback employees of the pastoral industry and that the bush ethos was propagated and diffused by the newly strengthened labour movement, particularly the bush unions of pastoral workers and miners. They were inspired by local nationalists and socialist ideas (Ward 1978;183 and 1958;2). According to Ward a romanticised form of the bush ethos spread to the whole people and powerfully influenced thoughts and events (1958;208 and 211). This process occurred particularly between 1890 and 1900 and came to dominate formal literature

94 Ibid., p. 77.

95 Ibid., p. 78.

96 Ibid., p. 24.

97 Ibid., p. 27.

98 Ibid., p. 26.

99 'Standing Committee Report on Railway from Condobolin to Broken Hill, 1897', evidence of Alexander Wilson, farmer and grazier, Mossgiel, p. 68.

100 'Standing Committee Report on Railway from Condobolin to Broken Hill, 1897', p. 66.

(1958;209). Paradoxically these notions of independence existed alongside the strong Government involvement in landuse in the Western Division. It is beyond the capacity of this study to accommodate an analysis of the much-discussed idea of this legend.

But importantly the popular ideas of the West embodied in this legend – accurate or not – influenced the perception and treatment of the Division throughout New South Wales. In the period considered in this study the Western Division, even at its worst, offered many hope of equality, independence, freedom and, it seemed, even salvation. Perhaps because the West could be severe and was a place apart from most people's experience of New South Wales it had a very important symbolic place. There was not a misapprehension about the environment of the West so much as what this environment could offer. This seems reflected both in the notions in Sydney of the Division and of the notions of those within it. The Western Division was often to be described in Parliament, popularly, and within the Western Division itself in the broad terms of this bush ethos. The veracity of these notions is not as important to this study as their existence and persistence, which influenced how people acted toward the Division.

This process is encapsulated in the writings of Lawson. Lawson was only one man but his writings encapsulate the mythology which grew around the Western Division and to which he doubtlessly contributed. Lawson visited Bourke in 1892 when it was suffering badly from drought (Matthews 1986;19-20). In 1892 in "Up the Country" Lawson's view of the Far West of New South Wales was bleak and unromantic.

*Sunny plains!" Great Scott! - those burning wastes of barren soil and sand
With their everlasting fences stretching out across the land! . . .
Where, in clouds of dust enveloped, roasted bullock-drivers creep
Slowly past the sun-dried shepherd dragged behind his crawling sheep . . . (1896;228).*

Nor did the West offer anything spiritual. There was hardship, but none of the redemption that was later to become prominent in Lawson's work. The landscape and its effect on men was oppressive and described in the *Bulletin*:

If the back country were a desert we might love it, as the Arabs are alleged to love their desert, for the sake of the oases; if it were a region of noble ranges, mighty forests, shining rivers, broad lakes, and grassy plains, we would love it for these things; as it is we don't know how to take it, and prefer not to take it at all – at least not until a general earthquake or a mighty scheme of irrigation breaks the dreadful monotony, and alters the face of it beyond recognition (1897;521 see also "The Great Grey Plain" 1896;279).

Lawson even warned against taking "green-spectacled" accounts of the back country at face value. He warned that the bush bard was temporarily blinded to the Real by the intensity of his own vision of the Ideal (1897;521-2).

But soon the West was a place of redemption, a place where a harsh land was being conquered and a nation made. The West, pitiless and worthless, a destroyer of men, became a creator of men – albeit a harsh one. Lawson wrote in "The Men who Made Australia" in 1901:

*Call across the awful scrublands west of Bourke!
But they have no time to listen – they have scarcely time to sleep –
For the men who conquer deserts have to work (1905;117).*

This redemption is also described in "The Never-Never Country", also written in 1901, a tale of outcasts finding strength, equality and salvation in the Far West "through years of flood and drought" (see 1905;84-5). And from "Bourke", written in 1902:

*No sign that green grass ever grew in scrubs that blazed beneath the sun;
The plains were dust in Ninety-two, that baked to bricks in Ninety-one.
On glaring iron roofs of Bourke, the scorching, blinding sandstorms blew,
And there was nothing beautiful in Ninety-one and Ninety-two.*

*Save grit and generosity of hearts that broke and healed again –
The hottest drought that ever blazed could never parch the hearts of men;
And they were men in spite of all, and they were straight, and they were true,
The hat went round at trouble's call, in Ninety-one and Ninety-two.*

and . . .

*They say that things have changed out there, and western towns have altered quite:
They don't know how to drink and swear, they've half forgotten how to fight;
They've almost lost the strength to trust, the faith in mateship to be true –
The heart that grew in drought and dust in Ninety-one and Ninety-two (1905;138-9).*

In this verse, the fundamental characteristics of the bush myth are most manifest in adversity, in this case in both drought and labour unrest in 1891 and 1892. The easing of adversity suggested in the last stanza quoted, sees the decay of these qualities.

The great independence and strength in adversity believed characteristic of the men of the West were related in verses in the 'Bards of the Backblocks' column in the *Bulletin* in 1900 and 1901. See for example "A White Man".¹⁰¹ According to Serle (in the significantly entitled *From the Deserts the Prophets Come*), the influential *Bulletin* had come, through the 1890s, to be aimed at and to speak for the men of the pastoral interior, a forum for "outbackery" (1973;61). The qualities that the women of the West must have possessed seemed to have had no place in these most masculine myths.

To C.E.W. Bean in the often fawning *On the Wool Track*, the man of the West was "possibly the most capable man among Anglo-Saxons". This quality was attributed to the independence of life in the West, the hard work, hardship and the isolation. Its men were probably the "finest of all Australians", "undoubtedly aristocrats" (1910;23-4). The West was the "Real Australia" (1910;104-6). He thought that the very harshness of the West had made men of character. Bean says that the fencers and

101 *Bulletin*, 20/10/1900, p. 3. See also the eulogy on the pioneers of the "Western waste lands" in *Riverina Recorder*, 4/3/1903, editorial.

tank-sinkers had fettered the West, suggesting this limited the land's capacity to build men (1910;27).

The historian W.K. Hancock continued the theme in 1930, stating:

It is not without reason that those who wait impatiently "till we become ourselves, distinct, Australian," should look beyond the marine ribbon of settlement out into the central plains where a new people will be made (286).

3.10 PATTERNS OF LANDUSE AND POSSESSION

What had become the Western Division had been firmly incorporated into New South Wales. The nature of pastoralism in the Western Division had in many fundamental ways been lastingly defined by the 1890s. It had become based on the highly capitalised, boundaried and bounded model that had developed over the previous thirty years. Had conditions been less favourable in these formative years, the industry may have evolved differently. The opportunity to move to take advantage of local and regional variations in rainfall had been mostly removed. The fixed physical 'improvements' to the land constructed in the 1870s and 1880s reflected partly the culture and partly a confluence of favourable economic and environmental conditions. Many of these investments were taken up in the twentieth century; and so perhaps was the model the investments represented. A phantom Western Division had been created which cast a long shadow: of stable boundaries and production, and growing income and prosperity. The West had even developed a central place in the mythology of New South Wales. The advent and course of the twentieth century could dull, but not obliterate the pattern of landuse etched by the 1890s.

The Western Division was also firmly incorporated into conflicts over the rights and responsibilities of possession. There was growing tension between extensive pastoralism and the expectations that the economic and personal benefits of occupying the public estate of the Western Division be more accessible to the people of New South Wales. This conflict was given clearer articulation in the 1890s with the organisation of interest groups. The population which grew in and around the Western Division during the plentiful time encouraged conflicts between the landed and the unlanded and the big and small landholders that were to continue into the second half of the twentieth century. The conflicts between government, pastoralists and others over the possession of the West were rooted in class and notions of ownership. A renegotiation of rights to the West was demanded.

Incompatibilities between pastoralism in the West and its marginal environment led to environmental changes and a rapid growth in the understanding of these changes. The Western Division was marginal and its climate and vegetation variable. The introduction of pastoralism led to important changes in the environment of the West that threatened carrying capacities and that were expensive to even attempt to control. Over-investment, debt and speculation led to overstocking. The impact of pastoralism on the environment and the limits the environment placed on pastoralism were great and, moreover, become abundantly clear to many.

The Government of New South Wales, exercising its proprietary rights over the Crown land of the Western Division, tried to reconcile the conflicts between pastoralism and the environment. The future of the public estate was a matter of great importance to New South Wales. There was an obvious groping for ways to adapt to the West. In 1884 the Western Division was defined and recognised as an area which demanded different public management to the rest of the Colony. Alienation of the land in the Division was suspended in 1884. Environmental changes led to conflicts over proprietary responsibilities over the land. Threatened by noxious plants and animals, pastoralists and agriculturalists throughout New South Wales accepted, indeed invited, greater government intervention in their landuse. Environmental change, particularly the rabbit plague, threatened the interests of all in the Western Division. Controlling rabbits and compensating for their effects became a preoccupation of legislators and pastoralists. Rabbit control was seen by many to be the responsibility of the Government, and not just because of the magnitude of the problem. It was argued that it was the Government's responsibility to maintain the public estate. Some believed environmental change could be better managed by domesticating the West. The very extensive occupation of the West made controlling pests difficult. Intensifying settlement, such as by developing irrigation, was a way to bring the environment of the Division under control.

Changes to the pastoral industry, environment, and understanding of the Western Division demanded a reassessment of occupation. The prosperity, even the existence of pastoralism in the West was challenged by the crisis of the 1890s. The capacity of the great western plains to contribute to the economic and social future of New South Wales was threatened. Areas of the Division were being abandoned. There was simultaneously a great growth in knowledge of the interaction between pastoralism and the environment of the West. The rift between pastoralism and its environment, recognised by the 1880s, became a threatening chasm through the 1890s. A renegotiation of the way the West was managed was imperative.

CHAPTER FOUR

GETTING THEIR ACT TOGETHER: RECONCILIATION AND REFORM

4.1 ADAPTING TO THE WEST

The worsening conflict between the European pastoral enterprise and the environment of the West in the late 1890s led to growing calls for reform and the appointment, in 1900, of a Royal Commission to enquire into the condition of the Crown tenants of the Western Division. While warnings about the use of the West could be ignored in the 1880s, the threat to pastoralism was indisputable by the end of the 1890s as drought combined with onerous debts and depression. Awareness of the intimate reliance of pastoralists on the condition of the environment, and the frailty of this relationship, was perhaps acute in the Western Division, where pastoralism depended so directly and clearly on highly variable pasture and climate. Pastoralists had abandoned large areas. There were demands that the Government act urgently to preserve settlement and the productivity of the physical environment of the Crown lands. Pastoralists were vocal in their appeal for concessions and reforms. Their leases were soon to expire and they were labouring under heavy rents and debts among other burdens. But the demand for Government action to preserve the West was wider. Large pastoralists cooperated with small settlers. They were encouraged by public meetings and newspapers in the Western Division which called on community support for reform. A series of articles on "The Problem of the West" published in the *Sydney Morning Herald* in 1899 galvanised broad support. The Royal Commission was appointed in 1900 by a Government supported by the Labor Party. The Royal Commissioners were mostly, and curiously, men with mining and union experience in the West. But in crisis a unanimity of purpose had developed. The Commission was supported by pastoralists and others.

The Royal Commission's detailed enquiry reflected and furthered the substantial body of knowledge that had developed by the 1890s about the nature of pastoralism in the West and its interaction with the physical environment. The findings of the Commission were based on voluminous evidence gathered from diverse sources. The Commission clearly articulated the constraints and opportunities of pastoralism and placed them prominently before the people of New South Wales. The report of the Commission is a central document in the history of the knowledge of the Australian environment. The Royal Commission demonstrated naked awareness that the viability of landuse depended upon the careful maintenance of the physical environment. Particular concern was expressed over debt, rabbits and overstocking. Soil erosion, the loss of edible perennial shrubs and the spread of woody weeds were all implicated in the crisis. Many leases were simply too small. A bad drought had precipitated the

problem but drought, it was stressed, was an inescapable characteristic of the West. Accompanying the Royal Commissioners' clear statements of the problems of the West was a clear commitment in New South Wales to reform pastoralism.

The Western Lands Act, 1901, was based on the findings of the Royal Commission. The Act, which many thought vital to the State, had wide support in Parliament. Almost all Members recognised that settlement had been a failure, though to some its problems had been exaggerated. It was generally agreed that environmental degradation threatened both the short and long-term future of settlement. However, when the debate entered Parliament it became less about the more fundamental incompatibilities of pastoralism and the environment and more about the modification of existing lease and rent conditions. Under the Act, leases were to be extended to provide more security and rents were to be reduced. It was intended that those with small areas be given more land. Mortgages on leases were to be renegotiated under government supervision to ease the burden of debt. A largely independent 'Western Land Board' was created to oversee the State's interests in the public estate of the West. It was to distance the Division from the political interference that had long encumbered the administration of land laws. It was also expected to respond quickly and efficiently to the changeable and isolated West, a place atypical of the New South Wales where most lived. It was to police stringent conditions imposed on leases and determine rents among other duties. The *Bulletin* and Members of Parliament like James Gormly, one of the founders of the Farmers and Settlers' Association, supported the Bill although it entrenched the larger pastoralist. It received wide support in an Assembly preoccupied with encouraging closer settlement. It was supported by representatives of the West whose constituents were the landless rather than the landed. The Bill was the initiative of W.P. Crick, a champion of the small settler.

Optimism about the future of the West remained. There was little belief in the intrinsic capacity of an unimproved Western Division to support settlement. It was acknowledged to be capricious and hostile to European occupation as it had hitherto occurred. But there was a strong belief – faith – in the capacity of human endeavour to ultimately improve conditions and intensify settlement. Advances in public and private capital works and technological developments, particularly in water conservation, that would allow for more settlement were keenly anticipated. Provision was made to withdraw land from leases to take advantage of them. But this was for the future.

4.2 REASSESSING THE WEST

The perilous state of pastoralism in the Western Division had been discussed in the 1880s, but it was not until 1899 that it received the full attention of New South Wales. The problems of the West were only a part of a much wider economic slump endured in the 1890s and it was not until the end of the decade that the crisis in the West became great enough, or the attention of New South Wales sufficiently focused, for action to be demanded. This was largely through the efforts of E.D. Millen. Millen had migrated to New South Wales from England in about 1880 and took up pastoral leases around Brewarrina in the mid 1880s. Millen represented the Seat of Bourke

from 1894-98 as a Free Trader and was nominated to the Legislative Council in 1899. In 1901 he joined the Senate of the Federal Parliament and was later Acting Prime Minister (Rutledge 1986;502-3). Despite his short experience of the West he showed an extraordinary grasp of the issues confronting pastoralists and instilled a sense of urgency in New South Wales with a series of articles in the *Sydney Morning Herald* in 1899. The articles were reproduced and discussed in the country press.¹ The articles were also published together as a pamphlet in the same year. This version has been used. Millen based his articles on his extensive travels in the West. He argued that the existence of pastoralism in the Division was threatened and called for the appointment of a Royal Commission to investigate the matter.

Millen described an environmental catastrophe. In places there was no growth on the bare soil even after significant rainfall (Millen 1899;6). Fences, stockyards and tanks were covered by sand-drifts (Millen 1899;13). The perennial bushes had declined over tens of thousands of acres. This had left the soil prone to wind erosion, compounded by the constant traffic of stock. Clay scalds were widespread (Millen 1899;12-3).

The roots of trees spread out like cobwebs, exposed by the denudations of the wind. Where the butts of salt and other bushes remained they served to keep a little soil around them, but between the wind had cut down to the underlying cement-like clay, leaving them elevated on precarious and gradually disappearing pedestals (Millen 1899;11).

An area near Ivanhoe was threatened by the rapid growth of scrub. Most of an area of about 3,500,000 acres, in eighty-six holdings, between Willandra Creek and the Lachlan on the south, and Cobar on the north, had been abandoned and the Lands Department unable to secure tenants on "ludicrously easy" terms (Millen 1899;16).

In 1899 a Darling pastoralist described the Wilcannia and surrounding districts in similar terms. It was a waterless waste of red earth devoid of edible vegetation. Most stock were dying. Dust-storms happened almost daily and were often so bad it was difficult to travel in them. Many wire netting fences were buried for miles by drift sand, only the top wires visible. Unprotected tanks were silted up. The recuperative powers of the country had been largely destroyed; the bush was all dead and all the good grasses eaten out.² The *Western Grazier* also reported that the bare state of the country caused storms of dust which resulted in immense damage to tanks and fences. The pastoral resources of the West were at their lowest ebb.³ In the same month a member of the Municipal Council of Wilcannia suggested, quite seriously, asking the townsfolk to build their fences higher to counter the build-up of sand.⁴

Millen argued that the drought, though the most severe that settlers had faced, had only uncovered an underlying environmental collapse – it was a messenger. Overstocking and rabbits were blamed (Millen 1899;24). Sand-drift, he argued, was not caused by drought and wind but the removal of vegetation. "There is no reason to

1 See for example *Riverina Recorder*, 25/4/1900 and *Western Grazier*, 27/1/1900.

2 *Australasian Pastoralists' Review*, December 1899, p. 597.

3 *Western Grazier*, 4/3/1899.

4 *Western Grazier*, 18/3/1899.

suppose the winds have increased in energy or the droughts in intensity (Millen 1899;12)." He observed that mistaken ideas about the climate of the Western Division had contributed to the crisis. The notion that losses in drought were exceeded by the profits of good years was slowly dying. He agreed with H.C. Russell, Government Astronomer, that in the West the annual average rainfall needed to exceed by twenty per cent before a good year could be assured (Millen 1899;22).

But no other conclusion appears to be possible than that the normal condition of the West is one of drought – drought punctuated with occasional moist seasons. The fundamental error has been in regarding the nominal condition as one of the fair seasons punctuated with occasional drought (Millen 1899;5).

The statement "the normal condition of the West is one of drought" quickly became, and remains, a familiar maxim. Furthermore, he argued, seasons were unpredictable, so working in sympathy with them was difficult. As shown in Chapter Two, this understanding of the climate of the West proved to be accurate. Millen claimed that the only way the country could be permanently and profitably occupied was to reduce estimates of its carrying capacity (Millen 1899;23). Millen regretted the change in stocking practices from the early years of settlement when country was, more appropriately, alternately stocked and spelled (Millen 1899;23).

Millen was concerned that the idea that the normal condition of the Western Division was of fair seasons punctuated by drought was still manifest in much legislation. He argued that settlement had to conform to the conditions which experience had proved to be permanent and that a revision of the conditions of leases was an essential preliminary to changing the way runs were operated (Millen 1899;5-6). He advocated leases of at least thirty years but anticipated the objection that this would "lock the country up".

Regarding it as a desert country, capable of but the lightest stocking, upon which the labour of the individual settler can count for little, and where capital counts for much, it is not only not likely to be wanted for small settlement, but it is not desirable that small settlement should be invited to occupy its stern and arid acres (Millen 1899;29).

The *Australasian Pastoralists' Review*, which had not previously analysed the troubles of the West, supported Millen's interpretation.⁵ Millen, the *Review* said, had "... formulated into a definite statement what many men have of late years thought and suspected, but scarcely cared to say, because hope faintly survived that it might yet prove otherwise." The *Review* agreed that the trouble seemed to have been overstocking, not carelessly and wilfully done, but due to a mistaken idea of the capacity of the country. After the water improvements were made on the back country it was assumed that the land would carry permanently what had before been carried temporarily. Previously, the *Review* had attributed the difficulties of the West to drought and rabbits. The *Review* thought Millen's suggestion of a twelve year extension of leases insufficient and influenced by his position in Parliament. The *Review* also criticised Millen's recommendation to retain existing rents, reasoning that if carrying capacities were overestimated, so were rents. Millen's prescriptions do

⁵ *Australasian Pastoralists' Review*, January 1900, pp. 655-6.

seem to have fallen short of those his analysis of the problem of the West suggested were needed. The *Review* agreed that the Western Division was unsuitable for small settlement. The *Western Grazier* agreed that there had been a permanent deterioration in the carrying capacity of the country and that millions of acres were at risk of abandonment.⁶

The condition of the Western Division was discussed, briefly, by Peacock in the *Agricultural Gazette of New South Wales*.⁷ The deterioration of the physical environment was described as unprecedented in the history of New South Wales. Periodic drought was the rule and the native vegetation was specially adapted to survive it, but much of it had been destroyed by the "artificial change in its environment" brought about by stocking. Pastoralism was changing the composition of vegetation:

Nature, in order to recover her equilibrium, is at present producing vegetation capable of adapting itself to its altered surroundings by its unpalatableness and protective spiny growths, such as pine-scrub, box-seedlings and spiny saltbushes.⁸

The main reason for the deterioration of the country was thought to be overgrazing in drought. Peacock suggested better subdivision of the land to allow paddocks to be rested and proper classification of the land. He thought the future of the Division depended on improvements like water conservation and the cultivation of appropriate pastures.⁹ The *Gazette* also noted the widespread destruction of trees and shrubs for fodder.¹⁰

A.L.P. Cameron, who was to become one of the main leaders of the movement for reform in the Western Division, generally agreed with Millen but disputed the importance of overstocking. Cameron, a long-time resident of the West, had a Homestead Lease of 10,240 acres between Hillston and Mossgiel, taken up with £3,000, worked for fourteen years, but lost to the bank in late 1899. He claimed to have lost everything.¹¹ Cameron, a Stock Director in the Ivanhoe Sheep District, claimed in a letter to the *Sydney Morning Herald* that, if anything, Millen had understated the seriousness of the position of the Western Division. In the Ivanhoe Sheep District, sheep numbers had fallen from 1,504,323 in 1887 to 284,051 in 1899. Miles of net fence were covered in drift sand, which had also filled tanks and swamps. Vast clay-pans had been created. He agreed that drought was the normal condition of the West. He argued that the State, as landlord, for its own sake had to improve the position of tenants or it would lose them.¹² Cameron did not think

6 *Western Grazier*, 18/7/1899.

7 *Agricultural Gazette of New South Wales*, 1900, Vol. 11, Part 8, pp. 652-7.

8 *Ibid.*, p. 654.

9 *Agricultural Gazette of New South Wales*, 1901, Vol. 11, Part 1, p. 207.

10 *Agricultural Gazette of New South Wales*, 1900, Vol. 11, Part 8, pp. 658-9.

11 *Royal Commission into the Condition of the Crown Tenants, Minutes of Evidence*, NSW PP (LAVP), 1901, Vol. 4 ('RCCCT, Minutes of Evidence'), evidence of A.L.P. Cameron, 11/1/1900, p. 357.

12 *Hillston Spectator*, 28/4/1900 and *Riverina Recorder*, 25/4/1900.

overstocking was a major cause of the deterioration of the country. He attributed this to the rabbits.¹³

The failure of settlement was more than economic and environmental: it had deeper significance. Human endeavour had been beaten by a severe and pitiless country. Millen wrote of the Western Division:

It is invariably monotonous, even though it presents great contrasts, and not infrequently it is repellent . . . It is the home of the treacherous mirage, of disappointing salt lakes and fleeting water holes, of trying winds and exasperating dust storms. It is the stronghold of the rabbit, and the most frequent victim of the drought. It is, too, just now a land of buried yards and fences, of abandoned holdings and deserted homesteads, of broad acres, but tragically shrunken flocks. Other districts share these disabilities among them in some degree or taste them in turns; but the fate of the Far West is to drink deep of them all simultaneously (Millen 1899;4-5).

The Western Division was ". . . the scene of a little known conflict – not wanting in heroism – between enterprising, resolute, and resourceful men and the imperfectly understood forces of nature in their sterner mood (Millen 1899;30)." It was a lonely battle. The Western Division, although occupied for many years, was mostly "*terra incognita*" to the great majority of the people of New South Wales (Millen 1899;3). Defeat was most poignant in the condition of houses. Homes once occupied by owners and their families were now in the charge of overseers or abandoned (Millen 1899;14). Millen describes Kajuligah homestead near Ivanhoe: the tools of improvement and incidentals of domesticity, defeated and in decay.

The comfortable house with its double roof . . . the well laid-out garden, now a wilderness, the underground tank falling in, the empty aviary . . . the rusting horse-gear and chaff-cutter, the idle mower and rake all told of the early days of hopeful confidence, when someone dreamed pleasantly of establishing a home . . . But now over it all is written the verdict of failure, the more bitter because the early hope was so bright (Millen 1899;17).

Kajuligah was bought in about 1882 for £35,000 and about £8,000 was spent on improvements before the mortgagee foreclosed in 1891. According to the original owner, the station was sold by the mortgagee for £1,200 in about 1898.¹⁴ The *Australasian Pastoralists' Review* concluded an article on the problems of the West in January 1900 with a quote from Millen:

Travel in the west, and you will find the conclusion irresistible – that New South Wales would be better off if its western lands had been left as Sturt found them, and the capital and energy devoted to their redemption had been expended in the higher improvement of more favoured districts.¹⁵

¹³ *Hillston Spectator*, 28/4/1900.

¹⁴ 'RCCCT, *Minutes of Evidence*', evidence of William Bedford, 21/9/1900, p. 79. The spelling of Kajuligah differs in sources.

¹⁵ *Australasian Pastoralists' Review*, January 1900, p. 656.

Conflict in Crisis

Despite the widespread depression – or maybe because of it – demand for land in New South Wales continued in the 1890s, fuelling conflict between large and small settlers. The *Australasian Pastoralists' Review* reported that the Department of Lands refused applications for Homestead Selections and Settlement Leases for some months in 1899 and applications for over 153,000 acres were made on the day they reopened. The *Review* objected to the settlement of land under the grip of drought. To encourage the small capitalist to go into the West of New South Wales would ruin both the settler and the property of the State.

Notwithstanding the poor conditions, the Crown lessees of the Central Division accepted that much of their land would be given to new settlers when their leases expired in 1900. The Minister for Lands, Joseph Carruthers, had stated he intended to have a million acres available for settlement.¹⁶ In 1898 a deputation of Central Division lessees asked Carruthers for special consideration for tenants whose leases were due to expire in 1900. They claimed to be suffering from rabbits and the severest drought known. Prices were low and interest rates, railway charges and taxes were high. Yet the Minister was simply asked not to resume more than half their expiring leases for settlement for five years.¹⁷ Similar requests were made by lessees in 1899.¹⁸

Providing land for settlement seems to have been a political necessity. Carruthers was reported to have stated that if he extended leases for five years, in three months there would be a new Minister and a new Ministry as the people who wanted land would have them out of office. He admitted that there was a healthy demand for agricultural land which needed to be met.¹⁹ However he is reported to have suggested that the demand for land might not always be based on an understanding of the position of large landholders:

Some writers and members of Parliament seemed to look upon the large landholder as something next door to a criminal, and not able to realise that a holder of a million acres might be glad to exchange for 100 feet frontage in George-street.²⁰

In contrast, a Western Division selector and frequent writer for the *Hillston Spectator* complained that the small landholder had little influence because they did not have the money or connections to influence events.

Unfortunately, however, the small man appears to have but little influence at the fountain head, he is too poor and struggling to belong to some honey metropolitan swell club, where, under favourable and congenial circumstances, the Minister's leg could be pulled at the psychological moment to his advantage, as well as the more influential bodies connected with the pastoral pursuits.²¹

¹⁶ *Hillston Spectator*, 22/1/1898.

¹⁷ *Hillston Spectator*, 28/1/1898.

¹⁸ *Australasian Pastoralists' Review*, July 1899, p. 278 and November 1899, p. 528.

¹⁹ *Hillston Spectator*, 28/1/1898.

²⁰ *Ibid.*

²¹ *Hillston Spectator*, 31/3/1900.

He thought the Farmers and Settlers' Association much too conservative and that it had accomplished little. The influence of the "swell club" is similar to W.N. Willis's description of the machinations of the Reform Club (1909(?);102). Willis was a Member of Parliament and sat on the Royal Commission into the Condition of the Crown Tenants.

4.3 THE ORIGIN OF THE ROYAL COMMISSION

Following Millen's articles, pressure for a Royal Commission grew in New South Wales. On 8 January 1900, the *Sydney Morning Herald* advocated the appointment of a Royal Commission made up of authorities in pastoralism rather than in land laws. It was confident that a commission could not be used to smother the issue because the question of how to keep the West under occupation and paying rent was forcing itself on the community (Millen 1899;34). The idea of a commission was also supported by parliamentarians representing western New South Wales (Millen 1899;35). The *Australasian Pastoralists' Review* also sought new legislation, claiming that the very existence of pastoralism was in jeopardy. It suggested that without quick relief the Western Division would "... pass into history as a desolate monument to the rigour of its seasons and the incapacity of its legislators." The *Review* made no mention of the role of pastoralists in the difficulties of the Division. Among the objectives of the pastoralists were fifty years' tenure at one fixed and reduced rent and the appointment of a Royal Commission. The *Review* explained that the country had deteriorated so much that all past standards of value must be abandoned or the industry would die off. Frequent reappraisals were considered bad as they usually meant "*uprisement*" which occurred as the tenure was diminishing, reducing the value of leases as security. Fixed rents, it was argued, would also reduce administrative costs.²² The *Review* also called for an independent body, like the Pastoral Board of South Australia, to administer the land.

A commission could not initiate new legislation, but it would exercise a constant and uniform control, as against the existing changes of Ministry; and if new legislation were needed, the commissioners would collect the data without delay, whereas a thousand things hamper the action of Ministers, who are busy with party politics, banquets, plague excitements, and patriotic despatchings of war contingents.²³

Although the *Australasian Pastoralists' Review* developed a firm position on the Royal Commission and the condition of the Western Division, the Pastoralists' Union remained firmly focused on labour relations. Its President, A.A. Dangar, addressing the 1899 annual general meeting, referred to the "terribly devastating seasons of drought" but the crisis was not discussed.²⁴

Pressure for a Royal Commission grew within the Western Division. In March 1900, a meeting of "all classes" of stockowner at Mossgiel called for the appointment of a Royal Commission to visit their Western Lands and report on the best way to

²² *Australasian Pastoralists' Review*, May 1900, pp. 156-8.

²³ *Ibid.*, p. 158.

²⁴ *Australasian Pastoralists' Review*, July 1899, pp. 305-6.

relieve the impoverished landholders.²⁵ The *Hillston Spectator* suggested that the Farmers and Settlers' Association and similar bodies were responsible for organising landholders. Alternatively measures would be left to the metropolitan legislators who had admitted their past failure. It wanted support from the whole community:

The questions concern you personally, be you squatter, farmer, bootmaker, or storekeeper. Here, is demonstrated more pertinently than in any other part of the colonies, the affirmation that our wealth is our lands, and that all wealth can be traced to the land. Therefore it is our duty to foster and protect the source of our wealth.

The *Spectator* continued,

You have had a bitter experience of the drought districts, the districts where drought is the prevailing condition. Probably you have been ruined or nearly so. Then why haven't you energy enough to endeavour to better the conditions. This only needs unanimous action on your part and you will become so powerful that your demands must be listened to.²⁶

Meetings, partly organised by A.L.P. Cameron, were held in May 1900 in Hillston and Ivanhoe to support the call for a Royal Commission. Each meeting was said to represent 3,500,000 acres (a common unit of measurement of importance). The Ivanhoe meeting resolved that immediate remedial legislation was needed to ensure the continued occupation of the Crown lands of the Western Division and asked for similar terms and conditions to those granted to South Australian Crown tenants.²⁷ A meeting of Western Division lessees held in Sydney in July 1900 wanted extended leases and fixed rent.²⁸ The *Lachlander, Condobolin and Western Districts Recorder* reported that since Millen's "stirring articles" a "far reaching endeavour" had been made to have their true state made public and to get some special consideration.²⁹

The Royal Commission was appointed in August 1900 and Western Division lessees, large and small, tried to adopt unified demands. Cameron told meetings of lessees at Wentworth, Balranald and Euston that he and two others had been appointed by the meeting in Sydney to try to obtain as much unanimity as possible. Businessmen and others, as well as lessees, were encouraged to present their case.³⁰ The *Western Grazier* urged graziers to agree on the changes they wanted and the evidence that needed to be placed before the Commission. The *Grazier* claimed that the Government, as landlord, needed to understand that conditions in the Western Division were different from other parts of New South Wales.³¹ A later meeting in Sydney, led by Cameron, resolved:

- That all Pastoral and Homestead Leases in the Western Division should be extended.
- That the rental be fixed for the whole term of leases.

²⁵ *Hillston Spectator*, 31/3/1900.

²⁶ Ibid.

²⁷ *Hillston Spectator*, 9/6/1900.

²⁸ *Hillston Spectator*, 4/8/1900.

²⁹ *Lachlander, Condobolin and Western Districts Recorder*, 11/5/1900. See also 23/11/1900.

³⁰ *Riverina Recorder*, 26/9/1900 and *Hillston Spectator*, 3/11/1900.

³¹ *Western Grazier*, 18/7/1900 and 11/8/1900.

- That all Resumed Areas not needed for closer settlement be reattached to Leasehold Areas.
- That leases be made indefeasible.
- That the area of Homestead Leases be extended.
- That a Committee of three be appointed to carry out these resolutions, two of whom would represent Homestead Lessees, and one the Pastoralists.³²

The resolutions had been accepted by meetings of lessees at Hillston, Mossiel, Booligal, Oxley, Balranald and Euston and were then being considered in other areas.³³ Fixed rents were supported in part because periodic reappraisements were thought to disadvantage pastoralists who improved their carrying capacity. Cameron urged lessees to quickly organise and to express no great divergences of opinion to the Commissioners. Friction between Homestead Lessees and Pastoral Lessees was largely resolved. The Pastoral Lessees supported the enlargement of Homestead Leases and the Homestead Lessees supported the reattachment of Resumed Areas not needed for settlement to Leasehold Areas. Cameron stated that he had put the resolutions before the Hillston branch of the Farmers and Settlers' Association about a month previously and they were in no way opposed.

You all know that the Farmers' and Selectors [sic] Association of New South Wales is one of the most powerful bodies in the colony, and I thought that if its approval of our demands could be obtained, it would very materially help us.³⁴

4.4 THE ROYAL COMMISSION

The Royal Commission to inquire into the Condition of the Crown Tenants in the Western Division was appointed on 11 August 1900 by the Protectionist Ministry of William Lyne which held power with the support of Labor (Loveday and Martin 1977;217). The eight Commissioners were asked to report within three months, but the Commission was extended and reported in October 1901. The Commissioners were from diverse backgrounds. Only one had been a pastoralist in the Western Division, a Homestead Lessee. Only one other, Ashton, was a grazier. Five of the eight Commissioners had seats in the New South Wales Parliament when they were appointed. The Commission was to be Chaired by C. Brandis of the Land Appeal Court. Commissioner C.J. McMaster was chairman of the Advances to Settlers Board. R.R. Machattie was an officer from the Lands Department who had been a useful Royal Commissioner before because of his relative impartiality (Hawker 1971;105).

The Commission was dominated by those with Labor sympathies. Three of the Members of Parliament on the Commission were prominent labour unionists from western New South Wales. William Spence was Foundation President of the Amalgamated Shearers' Union of Australasia. He had helped found the Australian Workers' Union and was its President from 1898-1917. He held the Seat of Cobar from 1898-1901 (Lansbury and Nairn 1976;168-70). W.J. Ferguson was an early

³² *Hillston Spectator*, 3/11/1900.

³³ *Ibid.*

³⁴ *Ibid.*

member of the Australian Workers' Union and had been jailed for conspiracy after the 1892 strike in Broken Hill. In 1901 he was an Independent Labor Member for Sturt, which surrounded Broken Hill (Radi *et al.* 1979;94). Hugh Langwell had been a station-hand, shearer, fencer and well-sinker in western New South Wales and Queensland in the 1880s. He was a member of the branch of the Amalgamated Shearers' Union of Australasia formed at Bourke in 1886 and helped draw up the rules of the Australian Workers' Union in 1894. He represented the Seat of Bourke from 1891-94 and was appointed to the Legislative Council in 1900 (Atchison 1983;670-1). Langwell was to become a long serving member of the Western Land Board. The dominance of Labor interests on the Commission was probably due to their hold on the balance of power in the Assembly and the Government's desire to appease the mainly Labor Western Division electorates. Positions on Royal Commissions were said to be coveted. The Royal Commission also had a very high number of appointees who were past or present Members of Parliament (See Hawker 1971;105). This probably reflected the great importance of the land issue and the scale of the crisis in the West.

Two other parliamentarians served on the Commission. W.N. Willis held a Homestead Lease at Brewarrina. A Progressive, he represented The Barwon, in the extreme north-east of the Western Division from 1894-1904. He was involved with "shady" land transactions requiring ministerial assent when W.P. Crick, his friend, was Minister for Lands and he also dummied leases. In 1906, with Crick, he faced criminal charges of fraud and conspiracy but was discharged (Nairn and Rutledge 1981). James Ashton, Freetrader and Liberal, was a newspaperman and grazier. He represented Hay in the Legislative Assembly between 1894 and 1898, and Goulburn between 1898 and 1907. Ashton was a supporter of closer settlement. Between 1904 and 1907 he was Secretary for Lands under Sir Joseph Carruthers, succeeding Crick. (Rutledge 1979;110-1). The political status and representation of the Western Division is considered in more detail in Section 4.6.

Despite its composition, the Commission seems to have been at least acceptable to pastoralists. The *Australasian Pastoralists' Review* said that there was a good proportion of ability and sound grasp of land questions amongst some of those appointed.³⁵ There seems to have been faith in the capacity of the Commissioners to act independently. The proprietor of the *Review* was appointed to organise the Melbourne witnesses for the Royal Commission.³⁶

The Commissioners collected evidence from many sources. Public meetings were organised throughout the Western Division. Lease owners and managers, land and stock agents, representatives of financial institutions, bureaucrats, surveyors, stock inspectors, scientists, merchants and hotel keepers were interviewed. Workers, though, were not.³⁷ Evidence was taken on over 300 pastoral holdings in the Western

35 *Australasian Pastoralists' Review*, June 1900, p. 224.

36 *Royal Commission into the Condition of the Crown Tenants, Minutes of Evidence*, NSW PP (LAVP), 1901, Vol. 4 ('RCCCT, *Minutes of Evidence*'), p. 297.

37 'RCCCT, *Minutes of Evidence*'.

and Central Divisions.³⁸ Evidence was also taken on the condition and administration of pastoralism in South Australia and Queensland. The Commission also visited Melbourne (during the Melbourne Cup to the suspicion of some). Eight hundred pages of evidence were amassed. The Government was pressured in Parliament and by pastoral interests for a prompt report.³⁹ But the extent of the task when Parliament was busy with federation and the Arbitration Act delayed its completion.

The Commissioners were directed to enquire into the condition of the Crown tenants of the Western Division, and to report:

- (1) Upon the causes of the present depression in the Western Division.
- (2) What holdings have been abandoned and the causes, and to suggest remedies for the profitable reoccupation thereof.
- (3) The best means of arriving at fair rentals for all Crown Lands in the said Division.
- (4) At what period reappraisements should take place.
- (5) Whether the present rentals are excessive.
- (6) Whether the present leases or any of them should be extended, and whether the resumed areas of any of them should be added to the pastoral holding, and on what terms . . .
- (7) The advisability of sinking artesian wells and the conditions that should be attached thereto.
- (8) The areas of land suitable for agriculture.
- (9) Whether any land adjoining the Western Division, but in the Central, is of the same class as the land now included in the Western Division, and whether any land adjoining the Central, but in the Western, should be included in the Central Division . . .⁴⁰

4.5 EVIDENCE, FINDINGS AND RECOMMENDATIONS

Evidence

The *Report of the Royal Commission into the Condition of the Crown Tenants* described the condition of the Western Division and reflected the dominant concern over falling production. The number of stock in the Western Division had fallen from 15,706,000 in 1891 to 5,704,000 in 1900. It was agreed that the value of pastoral

³⁸ *Royal Commission into the Condition of the Crown Tenants, Report*, NSW PP (LAVP), 1901, Vol. 4 ('RCCCT, Report'), pp. iv-vii.

³⁹ See *Pastoralists' Review*, April 1901, p. 114 and June 1901, p. 235 and NSW PD, 1900, pp. 5013 and 5794. See also *Western Grazier* 28/9/1901. The *Australasian Pastoralists' Review* changed its name to the *Pastoralists' Review* in 1901.

⁴⁰ 'RCCCT, Report', p. iii.

property in the Western Division had fallen by between fifty and eighty per cent in the previous fifteen years.⁴¹

The great body of relatively consistent evidence given to the Royal Commission suggests that it accurately reflected the condition of the West. However the veracity of some of the claims were later challenged. The Crown tenants stood to gain more concessions the bleaker the condition of the West in the eyes of legislators. However its evidence is in close agreement with that given to the Parliamentary Standing Committee on Public Works' *Report on the Proposed Railway from Condobolin to Broken Hill* and the descriptions of Millen and others.

The evidence given to the Royal Commission closely reflected its findings. Drought and rabbits were given most blame for the condition of the West by pastoralists. Rabbits destroyed pasture and controlling them was a great financial burden. Stock-routes had been eaten bare, so removing stock was impossible. Homestead Leases were a failure; they were too small. The growth of scrub, particularly *Callitris*, had contributed to the failure of pastoralism in the east of the Division. Overstocking was commonly admitted to have contributed to the collapse, although it was not frequently blamed by pastoralists themselves. Some, such as A.L.P. Cameron disputed its importance. It was widely recognised that although the drought was severe the future was unlikely to bring, on average, better seasons.⁴² There were frequent requests for nominal rent and longer tenure. Some wanted rent abolished, or even that the Government pay for the occupation of some country.⁴³ Debt was widely cited as a great encumbrance but economic causes of the problems of the West were given far less prominence than the environmental.

Some examples of evidence given in the Hay North and Hillston North Land Districts highlight both the multitude of factors in the pastoral collapse and its severity. The manager of Nymagee Station said that it was bought in 1881 and valued at £21,000. Some £17,000 had been spent on improvements. The owners were glad to dispose of it in 1900 for £1,100. Asked the result was of his occupation of the country, the manager replied: "A sad deterioration in the carrying capacity from year to year." The station had great problems with pine scrub and box (*Eucalyptus* sp.) suckers and seedlings which had made parts of the country worthless. He suggested abandoning the country unless people were willing to "make a last despairing effort" and lay out further money to recoup their outlay.⁴⁴ A.L.P. Cameron told the Commission that rabbits came to the Ivanhoe district in 1885. On Mossgiel Station 12,000 acres had been ploughed in cross furrows to catch the drifting dust and seed so the country could be made profitable again. He reported that on his own lease a bad storm had buried weakened sheep alive with drift in one day at a small tank. Some fences had been completely covered.⁴⁵

41 Ibid., p. ix.

42 See for example 'RCCCT, *Minutes of Evidence*', evidence of William Walker, District Surveyor, Hay Land Board District, 23/4/1901, p. 562.

43 'RCCCT, *Minutes of Evidence*', evidence of William Bedford, 21/9/1900, p. 79.

44 'RCCCT, *Minutes of Evidence*', pp. 353-6.

45 'RCCCT, *Minutes of Evidence*', evidence of A.L.P. Cameron, late Homestead Lessee, Mossgiel, 11/1/1900, pp. 357-8.

William Walker, District Surveyor of the Hay Land Board District, was interviewed. A large part of the Western Division lay within his District which extended past Hillston to the South Australian Border and to Victoria in the south. He thought that both bush and grass country had greatly deteriorated. There were patches of wind-scoured country devoid of herbage throughout the District. On Mossgiel Station there was such an area of five square miles. He thought that the area of Homestead Leases should be doubled to 20,480 acres. Overstocking had a good deal to do with the deterioration. He thought with careful spelling and light stocking the country would recover. A lot of saltbush and cotton-bush had disappeared.⁴⁶ The Stock Inspector for Hay said that in the Mossgiel area all Homestead Lessees seemed to have lost their money. The area of Homestead Leases was too small and even those with capital had failed.⁴⁷

The General Manager of the New Zealand Loan and Mercantile Agency Company gave evidence that over twenty years on twenty stations comprising 3,195,762 acres, no mortgagor had been able to repay, out of the profits of the station, money lent by his company. The Roto and Mulgah runs, some 350,000 acres, were auctioned by his company for £3,000 in the previous four years. Forty thousand pounds had been spent on improvements alone.⁴⁸

There were suggestions for radical change to the landuse of the Western Division. The Economic Botanist to the Technological Museum of Sydney argued that the indigenous flora of the Division should be developed commercially "because in that way you have nature on your side".⁴⁹ He suggested that the vegetation of the Division, including potential weeds, be used to provide resins, oils, dyes and related products. The botanist, Fred Turner, gave evidence to the Commission reinforcing the opinion he expressed in 1890 that a system of reserves and the cultivation of edible shrubs was needed. Turner also recommended the development of alternative economic uses for the flora of the Division.⁵⁰

Findings

The Commission found that the difficulties faced in the Western Division were the result of a combination of causes:

- Low rainfall
- The Rabbits
- Over Stocking
- Sand-storms
- Growth of non-edible scrub
- Fall in prices
- Want of sufficient area
- Other causes

46 'RCCCT, Minutes of Evidence', pp. 559-62.

47 'RCCCT, Minutes of Evidence', evidence of Robert Broughton, Stock Inspector, District of Hay, 23/4/1901, pp. 576-7.

48 'RCCCT, Minutes of Evidence', p. 265.

49 'RCCCT, Minutes of Evidence', evidence of Richard Baker, pp. 300-1.

50 'RCCCT, Minutes of Evidence', p. 309.

Low rainfall and frequent drought were found to be the primary cause of the crisis in the Western Division. But it was stressed that drought was a characteristic of the area. This reflected the evidence of H.C. Russell.⁵¹ Failure to recognise this characteristic of the climate had compounded the crisis. The *Report* stated that although many thought the drought was the most severe experienced in the West, it had been preceded by many others which, under conditions otherwise equal, would probably have been accompanied by results just as disastrous. The *Report* noted descriptions of terrible drought and desert in western New South Wales from the first half of the nineteenth century and concluded that the Western Division was country of "almost invariably low rainfall and inevitably recurring drought".⁵²

That the story of our western country makes such a gloomy page in the history of the pastoral industry of the State is probably mainly due to the general failure in the past of those interested – under the seductive influence of a short run of good seasons – to recognise that drought is the predominant characteristic of the west, and not merely an enemy to be occasionally encountered. Fewer mistakes will be made in the future, and there will be less of shattered hope, if everyone concerned with the pastoral industry in our Western Division bears constantly in mind that the weather history of the next twenty or thirty years will in all human probability be very much like unto the history of the last twenty or thirty years.⁵³

Large sums had been spent trying to control and destroy rabbits which had eaten-out country and caused long-term damage to the perennial shrublands. They were said by the *Report* to have done much to convert distress into disaster. The direct costs of rabbits had been much less than the incalculable cost to the State and pastoralists of their destruction of pasture. The rabbits, in competition with sheep in dry periods, had destroyed edible shrubs which threatened the future of pastoralism, as the shrubs had previously provided a fodder reserve during drought. According to the *Report* amongst the most serious questions faced by the western pastoralist were what, if anything, would replace the eaten-out shrubs, to what extent the pastureless country would recover, and over what period.⁵⁴

Overstocking was attributed to past ignorance of the nature of the environment of the Western Division and to the associated need for pastoralists who had over-invested to earn high returns to finance debt. Many investors had an exaggerated idea of the value of pastoral properties in the West and too much had been paid in the belief that the prevailing prices would continue and that good seasons were the rule instead of the exception.⁵⁵

Past legislation, rabbits and the isolation of the Division had contributed to overstocking. Under the 1884 Crown Lands Act, half of leases had been resumed and rents increased. Yet, the *Report* said, interest had still to be earned and rabbits fought. There was an irresistible temptation to try to carry the same number of stock on the

⁵¹ Ibid., pp. 303-7.

⁵² 'RCCCT, *Report*', pp. v-vi.

⁵³ Ibid., p. vi.

⁵⁴ Ibid.

⁵⁵ Ibid., pp. vi-vii.

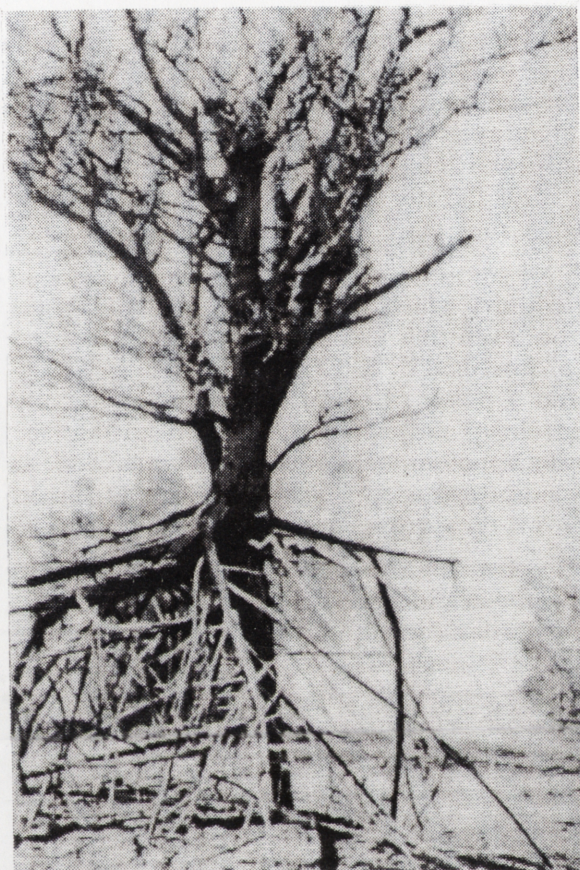


Figure 4.1 Photograph from the report of the Royal Commission of a Mulga tree on Yantara Station near Milparinka showing about three feet of roots exposed by erosion.⁵⁶

⁵⁶ Ibid., n.p.

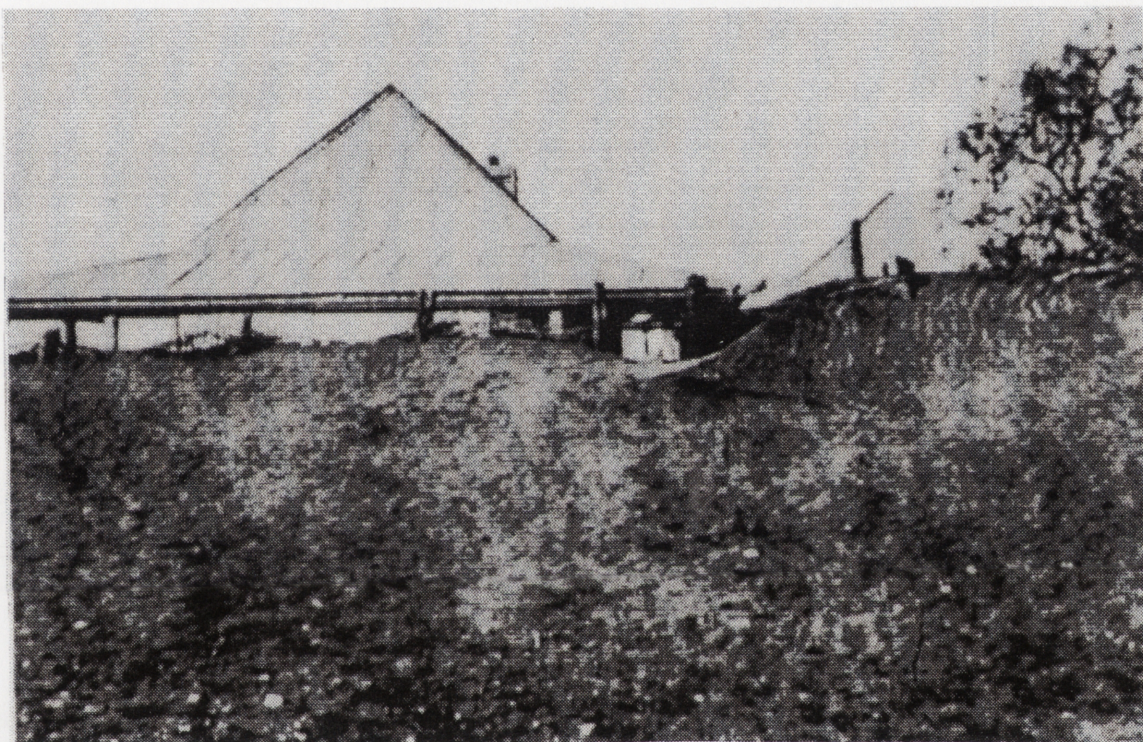


Figure 4.2 Photograph from the report of the Royal Commission captioned: "Cobham Lake Homestead, near Milparinka. The illustration shows the embankment of sand deposited by windstorms against the brush fences erected to protect the buildings. (From a photograph by the President of the Commission.)"⁵⁷

⁵⁷ Ibid.

reduced areas. The *Report* did not acknowledge that many pastoralists kept grazing rights over most of their Resumed Areas under Occupation Licenses. The *Report* said stock returns strongly suggested that the disastrous process of overstocking commenced in earnest after the 1884 legislation. For the six years from 1879 to 1884 inclusive, the average number of sheep carried annually in the Western Division was about 9,500,000. For the thirteen years from 1885 to 1897, inclusive, the average number carried annually was 13,500,000. After 1884, the country was asked to carry forty-two per cent more stock notwithstanding the advent of rabbits. Some of this increase, Figure 3.1 suggests, was due to the expansion of pastoralism west of the Darling. A simultaneous decline in prices made the position still more desperate.⁵⁸ Isolation from railways also contributed to overstocking.

The weather becomes dry; but according to precedent, based on limited experience, rain may be expected to fall soon. The rain holds off. To send his stock away means loss of profit – perhaps an increased overdraft. He decides to wait a little longer. The expected rain fail to come. The run is then overstocked; and, owing to the condition of the stock routes rendering it impossible to get the sheep away, it remains "overstocked" until the sheep die or the weather breaks . . . The pastoralist entered upon the period just ended with the country in its virgin condition. He enters upon the coming period with the country immensely depreciated.⁵⁹

There was, inconsistently, a simultaneous concern in the *Report* over the results of overstocking in the 1880s and at the same time the fall in stock numbers from this period.

Sand-storms were a major concern of the *Report* and the spread of inedible shrubs was also noted. Rabbits and overstocking had destroyed almost all vegetation over large areas and led to calamitous sand-storms. The storms had an unknown effect on the ability of the country to produce pasture. They had caused immense damage to improvements and the *Report* documented submerged stockyards, filled tanks, and buried sheep. Figures 4.1 and 4.2 are scenes that confronted the Commissioners; stark evidence of massive short-term erosion and deposition. The *Report* also found that in the east of the Western Division the carrying capacity of large areas had been greatly reduced by the spread of inedible scrubs.⁶⁰

The *Report* also implicated a fall in prices and the small areas of Homestead Leases in the crisis. Decline in the prices of pastoral products had substantially reduced profits and the capacity of tenants to cope with the natural difficulties of the country. It was reported that from 1871 to 1880 the average price in London for a pound of Sydney greasy wool was 11.1d; between 1881 and 1890 the price was 9.4d; and between 1891 and 1900, 8.6d.⁶¹ Homestead Lessees shared the general problems of pastoralism in the Western Division, but were additionally limited to an area

⁵⁸ Ibid., p. vii.

⁵⁹ Ibid., pp. vii-viii.

⁶⁰ Ibid., p. viii.

⁶¹ Ibid., pp. viii-ix.

insufficient over most of the Division to "afford anything like an adequate means of subsistence".⁶²

The Royal Commission also found that the distance from market and high cost of carriage increased the expense of working holdings in most of the Division. In some areas wild dogs and rare floods had diminished profits and in isolated cases caused very heavy losses.⁶³ The *Report* acknowledged, briefly, the impact of the pastoral crisis on the "supporting community". It noted the great impact the loss of 10,000,000 sheep had on the labour market and commerce in the Western Division.⁶⁴

Recommendations

The recommendations of the Commission are considered in turn.

What Holdings Have Been Abandoned, and the Causes; and to Suggest Remedies for the Profitable Occupation Thereof.

Lands Department figures showed that ten Leasehold Areas totalling 961,950 acres, and sixty-three Resumed Areas totalling 5,131,628 acres were abandoned between 1891 and January 1901. Some were subsequently leased to new tenants at greatly reduced rentals. The cause of the abandonment was found to have been the inferior character of the country and insecure tenure which prevented expenditure on improvements.⁶⁵

Settlement of the land was seen by the Commissioners to be a matter of urgency, not primarily because settlement was intrinsically desirable, but because abandoned land was generally believed to harbour noxious plants and animals which would spread from these refuges.

So urgently necessary is it, in our opinion, that no large areas of land should be left lying unoccupied in the Western Division . . . that we do not hesitate to recommend that if no other tenant can be found they should be let to adjoining holders if they will accept them, on, perhaps, the single condition that they destroy the vermin and scrub.⁶⁶

A general confidence in the power of improvements was maintained. Many pastoralists thought that if the country was to recover, much closer subdivision of holdings was needed."⁶⁷ Yet improvements contributed to the debt noted elsewhere.

The Best Means of Arriving at a Fair Rental for all Crown Lands.

According to the *Report*, there were few if any valuable suggestions made on the question. Almost constantly worsening conditions for a number of years had made the

⁶² Ibid., p. ix.

⁶³ Ibid.

⁶⁴ Ibid., p. x.

⁶⁵ Ibid., pp. x-xi.

⁶⁶ Ibid., p. xii.

⁶⁷ Ibid., p. xviii.

satisfactory assessment of rents impossible.⁶⁸ The Commission found that the only solution was to calculate a rent based on the average condition of holdings and the prices of produce in the past and present, and on their likely state in the future. Previously, rents were assessed on the basis of the condition of runs at the time of inspection, which was highly variable. The Commissioners were strongly opposed to appraisements made by many different individuals and Land Boards. They all thought that rents for the entire Western Division should be assessed by one board.⁶⁹

At What Period Reappraisalment Should Take Place.

The *Report* considered the evidence almost unanimously in favour of rents being fixed for the whole term of leases. Reappraising rent every seven years meant that leases were only secure for this period, as renewal was subject to conditions laid down by the Government. It was also feared that if the carrying capacity of a lease was enhanced by improvements the rent would be increased. Fixed rents would encourage improvements and make finance more easily available.⁷⁰

Moreover, it was believed that lessees could benefit or suffer if conditions improved or deteriorated from the time of a rent appraisal. It was recommended that rents should be reappraised as soon as possible and apply to the whole of the remaining period of the existing leases, about seventeen years.⁷¹ This would create a greater sense of security among the western tenants and,

. . . in our judgment the State will study its own interests best by doing everything in reason that can be done to revive throughout the Division that hope and confidence which is so essential to enterprise, but which, unfortunately, at the present time is almost dead.⁷²

Whether the Present Rentals are Excessive.

The Commissioners found the existing rents to be clearly excessive. The financial history of the Western Division since the 1884 land laws was described as disastrous. Rents at the time of the Commission were two to three times their level before 1884 despite lower wool prices and the appearance of rabbits.⁷³ It was thought that without a radical alteration in the condition of the country the chances were against some lessees covering their expenses even if they held the country rent-free.⁷⁴

Whether the present leases, or any of them, should be extended, and whether the resumed areas, or any of them, should be added to the pastoral holding, and on what terms . . .

68 Ibid., p. xii.

69 Ibid., p. xiii.

70 Ibid.

71 Ibid., pp. xiii-xiv.

72 Ibid., p. xiv.

73 Ibid.

74 Ibid.

The *Report* recommended extending leases for a period to depend upon a classification of the carrying capacity of the locality.⁷⁵ A longer tenure would allow lessees to secure the fruits of their labour, would encourage the development of the country and was described as the only effective encouragement that the State could give.⁷⁶ The *Report* found that the tenure of pastoral leases in the Western Division should be extended from an unspecified minimum to a maximum of about twenty-five years.

The Commission recommended, however, that the tenure be increased only if the debt of mortgaged holdings was written down by the mortgagees. Reducing the rent and extending the tenure of leases would increase the value of the mortgagees' security, which "... might, without, perhaps, exposing the mortgagee to any charge of harshness, be promptly realised upon." The Commission feared that without this condition, the benefits of the State's concession might be entirely diverted from the mortgagor to the mortgagee. The write off of debt had received the advance approval of a number of representatives of leading financial institutions.⁷⁷

It was thought that an increase in the area of Homestead Leases would help this "very worthy class of settlers". It was doubted, though, that this would make them even fairly prosperous.⁷⁸

... in nearly every instance where a homestead lessee was questioned ... his evidence disclosed that the best result secured was a bare livelihood, whilst in other parts of the Division ... homestead leasing had been an utter failure.⁷⁹

The South Australian experience had suggested that in some parts of the Western Division Homestead Leases needed to be about ten times larger⁸⁰. An extension of the tenure of Homestead Leases was recommended. It was also recommended that wherever practicable their areas be extended to allow at least 4,000 sheep to be carried in the best parts of the Western Division, and up to about 6,000 to 8,000 sheep in the more remote and inferior parts.⁸¹ Most of the Division was considered unsuitable for anything approximating close settlement.⁸²

The advisability of sinking artesian wells, and the conditions that should be attached thereto.

Watering the country by artesian wells was preferred to the use of tanks, but under the prevailing conditions the expense of sinking wells was not warranted. An extended tenure would encourage lessees to provide artesian water. The difficulties of destocking in drought were exacerbated by the absence of water facilities on the travelling stock-routes. The call for artesian wells along stock-routes was supported.⁸³

⁷⁵ Ibid., p. xv.

⁷⁶ Ibid., p. xviii.

⁷⁷ Ibid., p. xix.

⁷⁸ Ibid., p. xv-xvi.

⁷⁹ Ibid., pp. xvi.

⁸⁰ Ibid., p. xviii.

⁸¹ Ibid., p. xxi.

⁸² Ibid., p. xix.

⁸³ Ibid., pp. xxi-xxii.

The areas of land suitable for agriculture.

None of the Western Division was thought suitable for commercial agriculture. Boulton, Superintendent of Artesian Boring, was confident of the potential of irrigation. His confidence was not reflected in the evidence of other experts or in the tone of the Commissioners' findings. The *Report* recommended that more research be conducted into the suitability of artesian water for agriculture.⁸⁴

Whether any land adjoining the Western Division, but in the Central, is of the same class as the land now included in the Western Division; and whether any land adjoining the Central, but in the Western, should be included in the Central Division.

Fifty-two holdings in the Central Division were considered to be on land equivalent in quality to that of the Western Division, but changing the boundary of the Western Division was not recommended. Instead it was suggested, rather vaguely, that some of the measures recommended for the better management of the Western Division be applied to areas of the Central Division. The Commission recommended against including any land then in the Western Division in the Central Division.⁸⁵

Future administration.

The Commission recommended that a powerful board, similar to the Pastoral Board of South Australia, administer the Western Division. The Division came under the control of nineteen different Land Boards which precluded uniform treatment. The Commissioners thought a single board would be more flexible and informal and able to adapt in a consistent way to the requirements of the Division. The Commissioners envisaged a powerful and important role for the board. They believed that the climate of the West was fixed and that the only hope appeared to be in a better system of management. The board would replace the Land Appeal Court as well as the Local Land Boards. It would set rents. It was envisaged that the board recommend that more land be made available to existing Homestead Lessees.⁸⁶ The recommendation to establish a board was probably also partly a response to the seemingly continual dissatisfaction with political interference in land administration. Dissatisfaction with the administration of the Department of Lands, which culminated in a Royal Commission in 1905, was voiced in Parliament in 1900.⁸⁷

Pastoralists' Response

The *Pastoralists' Review* was pleased that the Commission had dispelled misunderstanding in the State about pastoralism in the Western Division:

The old-time idea of a plutocrat absentee squatter making . . . thousands a year from his western run has only lately died out, and in its place there has, at last, grown up a partial recognition of the real facts, viz., that the bulk of the Western

⁸⁴ Ibid., p. xxii.

⁸⁵ Ibid., pp. xxii-xxiv.

⁸⁶ Ibid., pp. xxiv-xxviii.

⁸⁷ See for example NSW PD, Vol. 105 (First Series), 6/9/1900, Norton (Northumberland), p. 2702.

Division, by virtue of droughts and rabbits, cannot continue to sustain the pastoral interest unless something very drastic is done for it in the way of remedial legislation.⁸⁸

The *Review* noted that the *Report's* findings reflected those of Millen and stressed again the scale of the environmental problems confronting the Western Division. It reaffirmed that drought was the normal state of the West and that there was overstocking and a misconceived idea of carrying capacity. The only substantial disagreement was that the *Review* thought that the disappearance of edible shrubs was an evil understated by the Commissioners, saying that their gradual extinction had involved losses on a scale difficult to estimate.⁸⁹ The *Review* was concerned that the sand-drift problem was moving to the east and that stopping its advance could become a grave issue for the State. Some thought the noxious scrub at the eastern boundary of the Western Division might be needed to stop the advance of the sand. The sand was described as a worse threat than the rabbits that the scrub harboured.⁹⁰ The *Review* did not consider artesian water a saviour.

Artesian wells, as a comprehensive remedy for the far west, have few advocates nowadays . . . For watering stock . . . they come in most usefully, but they do not count for much in the matter of producing food, and that is one of the main troubles of the west.⁹¹

Nor did the *Review* take suggestions of locking western rivers seriously at the time.

It was agreed that the existing Lands Boards would not be able to decide rents and lease extensions with the desired uniformity, but the potential hazards of granting a largely independent board power to administer the Division were recognised.

At the same time, administration on this scale by a board is open to many of the same sinister influences as administration by a Lands Minister, and, if the amending Act eventually decides upon a board, it should be an essential condition that the members should be men beyond the slightest breath of suspicion of any kind.⁹²

The Hillston Spectator (under the headline "Our Western Lands") praised the good services rendered to the country by the Commission.⁹³

During the Commission, the *Pastoralists' Review* objected to the suggested government involvement in mortgage negotiations; it was called "rabid". It stated that the relationship between mortgagors and mortgagees was a private matter too delicate and complex to be assisted by an Act of Parliament.⁹⁴ The *Review* maintained this stance after the *Report* was tabled. It reasoned that losses suffered by mortgagors were also suffered by their mortgagees and that very few mortgagors could allege harsh or unfair treatment. The *Review* argued that for the board to write off debt fairly would

⁸⁸ *Pastoralists' Review*, October 1901, p. 552.

⁸⁹ Ibid.

⁹⁰ *Pastoralists' Review*, November 1901, p. 619.

⁹¹ Ibid.

⁹² *Pastoralists' Review*, October 1901, p. 553.

⁹³ *Hillston Spectator*, 19/10/1901.

⁹⁴ *Pastoralists' Review*, June 1901, p. 235.

require an intimate knowledge of the circumstances of each case and that it withheld common justice from mortgagees. The *Review* suggested that many mortgagees had already written losses off their securities that equalled the current book values of the properties and that foreclosures were often at the request of mortgagors.⁹⁵ The *Western Grazier*, in contrast, thought both mortgagees and mortgagors would happily meet on an equitable basis.⁹⁶

4.6 PARLIAMENT AND THE WEST

A Bill based on the findings of the Royal Commission was debated in 1901 in a Legislative Assembly dominated by a loose Progressive - Labor coalition led by the Progressive, John See. In 1901 the Protectionists renamed themselves Progressives, and the Free Traders were renamed the Liberal Party (Loveday *et al.* 1977;218). The major Parties promised a progressive land policy (Rydon and Spann 1962;12). Rural New South Wales from the 1890s was becoming increasingly Labor in orientation with the growth of the wheat industry in the Central Division (Hagan and Turner 1991;33). The land policy of the Labor Party was based on the belief that the land belonged to everyone, should not be alienated and should be made available to new settlers (Hagan and Turner 1991;36). The Progressives received most of their support from country areas (Rydon and Spann 1962;13). The Opposition criticised few of the Government's proposals and most Bills passed the Second Reading on voices. Votes rarely seemed to follow Party lines (Rydon and Spann 1962;14).

Mining activity, and the extensive nature of most holdings in the Western Division, seem to have assured that it was dominantly represented by Members of Parliament sympathetic to the landless. All except one Member representing a Western Division electorate supported the Western Lands Bill but most wanted better provision for land to be made available for new settlers. The land was held by few and worked by many. The landless and holders of small areas such as Homestead Leases were numerous relative to the often absentee owners of the great runs. This is not to say Members were unsympathetic with the pastoralists' plight nor that pastoral interests did not have powerful support in Parliament, particularly in the Legislative Council. Table 4.1 shows that Progressive and, particularly, Labor candidates were favoured in the Western Division in the 1901 State election. Much of the Labor vote can be attributed to the predominantly mining electorates. The figures must be taken cautiously. Four Western Division Seats, two Labor and two Progressive, were unopposed. In most electorates only a few candidates stood and, in a time of weak party allegiances, personal votes were very important. In New South Wales as a whole Liberals won 40 seats, Progressives 38, Labor 24, Independent Labor 5, and other Independents 18 (Rydon and Spann 1962;13). As party allegiances were often not strongly formed, these figures are an approximation. In the 1894 election, when all Western Division seats were contested, Protectionist and Labor candidates received ninety-two per cent of the vote, including fifty-six per cent to Labor. Excluding the predominantly mining electorates of Alma, Sturt and Broken Hill, Protectionist and Labor candidates still received eighty-seven per cent of the vote, including forty-two

⁹⁵ *Pastoralists' Review*, October 1901, p. 553.

⁹⁶ *Western Grazier*, 19/10/1901.

per cent to Labor (from Hughes and Graham 1975). Labor Members of Parliament from Western Division electorates with a background in mining unions were to strongly influence the management of the Division.

Party:	Valid votes cast	Percentage
Labor	3515	52.2
Labor Independent	2004	29.8
Progressive	817	12.1
Liberal and Liberal Independent	369	5.5
Independent	25	0.4
TOTAL:	6730	100.0

Table 4.1 Valid votes cast in the New South Wales election of 1901 in the electorates of Alma, Barwon, Broken Hill, Sturt and Wilcannia (Adapted from Hughes and Graham 1975).

The Western Division was not just a place of pastoralists; its makeup was much more complex. This is clearly demonstrated in the occupations of Western Division residents given in the census of 1901. These figures must be taken with some caution, remembering the economic disruption in the Division at the time. West of the Darling, Figure 4.3 shows, only about ten per cent of occupations were directly associated with pastoralism. About forty per cent, in contrast, were employed in mining. Most of these were in large mining centres, but small mining operations were scattered over much of the Division. Many of the half of residents with 'other occupations', like transport and other services, would have relied on pastoralism. East of the Darling, about a third of residents were employed in the pastoral industry but mining was still a substantial employer. Agriculture was a small employer but more significant than west of the Darling. This category would have comprised mainly small irrigated gardens on river frontages. The occupations of residents in the Hillston and Hay North Land Districts closely reflected those in the Western Division east of the Darling River as a whole.

This complexity was to be politically very important. Figure 4.4 indicates some of the difference between the employment base of the Western Division and New South Wales as a whole. Pastoralism and mining comprised between forty and fifty per cent of occupations in the Western Division. They constituted less than ten per cent of the employment in the State at the time. This disparity reflected a strong political theme in the Western Division: that its needs were neither represented nor understood in New South Wales. C.E.W. Bean claimed in 1910 that the West had little representation and that its settlers could not spend their own money on their own projects, but only "to make life easier for the easy livers in a few great cities on the

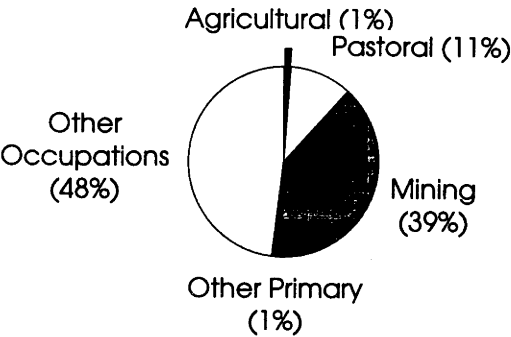
coast" (121). He complained that the Darling was possessed, and neglected, by the majority in Parliament, the coast that they represented, and the people of Sydney. It was hardly possessed by the West.

Some of the representatives of the West were among the radicals of the 1890s. The electorates of the Western Division in 1901, referred to below, are shown in Figure 4.5. Donald Macdonell, Member for Cobar from 1901 to 1911, was a shearer and founding member of the Shearers' Union in 1886. He became General Secretary of the Amalgamated Shearers' Union of Australasia in 1899. Henry Lawson called him "a slab of democracy" and "the tallest, straightest, and perhaps the best of the Bourke side bushleaders" (Lawson 1911;931 and Farrell 1986;255-6). Macdonell's views on the Western Lands Bill were the most extreme in the Parliament. While acknowledging the crisis in the Western Division he thought that its extent was exaggerated by those seeking concessions from the Government. He believed the Bill entrenched the interests of large landholders. He argued that the crisis was largely due to overindebtedness and that the Bill would not overcome this problem. He advocated the provision of cheap government money to encourage settlers on blocks of between 30,000 and 50,000 acres. Richard Sleath, Member for Wilcannia, was a Broken Hill miner and unionist elected President of the Amalgamated Miners' Association in 1889. In 1892 he helped found a branch of the Australian Socialist League and was arrested, charged with unlawful conspiracy and inciting riots and sentenced to imprisonment for two years. He won the Seat of Wilcannia in 1894, standing for Labor. He held the Seat until 1904, as Independent Labor in 1898 and Independent in 1901 (Kennedy 1988;632-3 and Radi *et al.* 1979;254). Robert Scobie, representing Wentworth, was the agent for the Australian Workers' Union at Menindee (Radi *et al.* 1979;248). W.J. Williams, Independent Labor, represented the Broken Hill electorate of Alma. John Cann, Member for Broken Hill, did not figure in the debates. He was also a trade unionist and represented Labor (Radi *et al.* 1979;42).

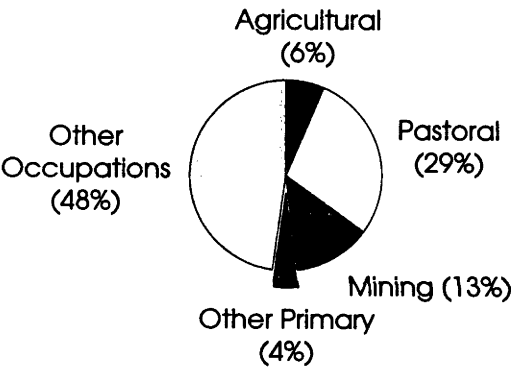
William Davis, alone among Western Division representatives, had a pastoral background. In 1874 he bought, in partnership, and managed the large Kerribree station near Bourke. He was elected to represent Bourke in 1889, lost the Seat in 1891, but regained it from E.D. Millen in 1898 for the National Federal Party. He had disposed of his pastoral interests by 1900 (Walsh 1981;241-2). J.G. Carroll, Member for The Lachlan from 1894 to 1904 and member of the Farmers and Settlers' Association was licensee of a hotel in Hillston from 1876. He later became an unsuccessful land and mining agent in Sydney. Originally a Progressive, he joined the Liberal Party in 1902 (Radi *et al.* 1979;44). Francis Suttor, the Government representative in the Legislative Council was a pastoralist from the Bathurst District. (Teale 1976;227-8). Gormly, a prominent figure in the debate on the Western Lands Act was a selector in the Wagga Wagga district but had pastoral experience in the Western Division. He was an advocate for selectors' and farmers' unions in Parliament (Buxton 1972;273-4).⁹⁷

97 See also NSW PD, Vol. 4, 28/11/1901, Gormly, p. 3794.

West of the Darling



East of the Darling



Hillston North and Hay North

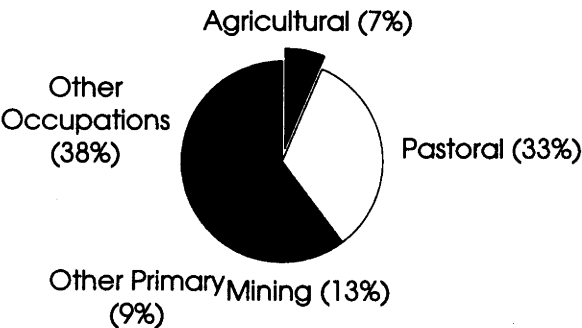
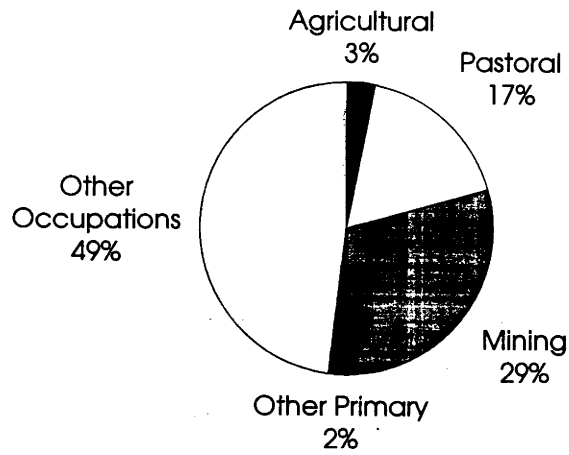


Figure 4.3 Stated occupations of residents of the Western Division west and east of the Darling and in the Hillston North and Hay North Land Districts in 1901.⁹⁸

⁹⁸ Adapted from *Results of a Census of New South Wales, 1901*, Government Printer, 1904. Occupations graphed exclude 'unstated', 'indefinite', and 'dependant' categories. The 'Other Occupations' on the graphs is an amalgam of several broad census categories.

Western Division



New South Wales

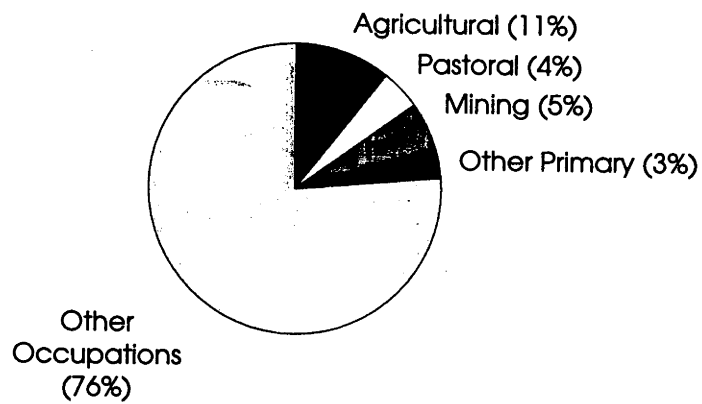


Figure 4.4 Stated occupations of residents of the Western Division and New South Wales in 1901.⁹⁹

⁹⁹ Ibid.

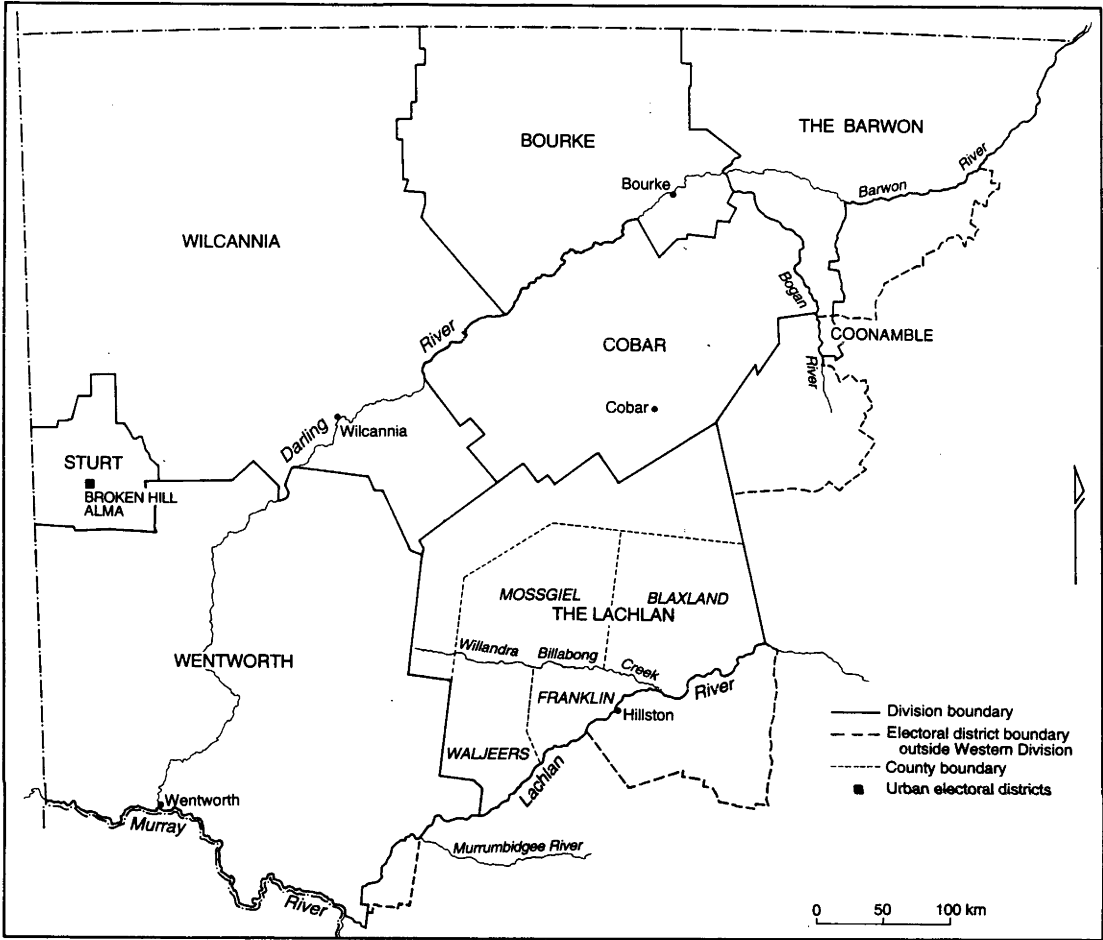


Figure 4.5 State electorates in whole and in part in the Western Division in 1901.¹⁰⁰

¹⁰⁰ *Electoral Districts as Determined by the 1893 Electoral Commission*, NSW PP (LAVP), 1893, Supplement.

4.7 THE WESTERN LANDS BILL

The Minister for Lands and champion of the Western Lands Bill was the Progressive William Patrick Crick (Member for West Macquarie). Crick was from a family of well-off selectors and was a successful lawyer. But he was also an Irish-Catholic reformer, a champion of the selector. In 1885 he co-founded the Land and Industrial Alliance, aiming to combine country selectors and city workers in political action. He was a pugnacious and skillful parliamentarian and Minister for Lands from April 1901 to June 1904. He resigned from Parliament in 1906, centre of a corruption scandal and trial over some of his dealings as Minister for Lands (Nairn and Rutledge 1981;150-2. See also Willis 1909(?) and Pearl 1958). Crick, as a potential Minister for Lands in 1899, had the support of the *Australasian Pastoralists' Review* because of his special knowledge and interest in land policy, despite his sympathies for the small settler.¹⁰¹

The Legislative Assembly avidly promoted the cause of the landless in New South Wales in 1900 and 1901, often under the leadership of Crick as Minister for Lands. The Closer Settlement Act, 1901, provided for the Government to buy freehold land for lease as farms. Crick's original Bill intended freehold land to be compulsorily acquired for this purpose, a provision blocked in the Council.¹⁰² The Agricultural Settlement Bill of 1900 was to promote small settlement near population centres and compulsorily acquire land. Crick made his opinion on closer settlement clear during the debate:

... I submit that it is a disgraceful thing to see tens of thousands of acres of land in the hands of two or three persons to the exclusion of thousands of men who could settle there and rear families, and thereby be a benefit to themselves and an advantage to the state.¹⁰³

Although passed with a large majority by the Assembly,¹⁰⁴ the Bill lapsed. Such was Crick's enthusiasm for settlement that in 1901 he proposed the Blockholders' Bill under which Crown land between Randwick, La Perouse and Botany Bay was to be divided into small agricultural blocks for manual labourers.¹⁰⁵

The quick progress of the Western Lands Bill through Parliament reflected Crick's character, energy, urge to reform, and his concern that the Bill keep its integrity. Crick introduced the Western Lands Bill to the Legislative Assembly on 27 November 1901. Crick was an intimidating, brusque and scornful debater who seemed to regard debate on his Bill as a tiresome formality.¹⁰⁶ He was criticised by a number of Members for trying to rush the Bill through the House.¹⁰⁷ Many Members had not

101 *Australasian Pastoralists' Review*, November 1899, p. 524.

102 NSW PD, Vol. 4, 17/12/1901, p. 4488.

103 NSW PD, Vol. 108 (First Series), 20/11/1900, p. 5335.

104 NSW PD, Vol. 108 (First Series), 29/11/1900, p. 6050.

105 NSW PD, Vol. 1, 28/8/1901, pp. 881-2.

106 See for example NSW PD, Vol. 4, 28/11/1901, p. 3802.

107 See for example NSW PD, Vol. 4, 3/12/1901, pp. 3894 and 3876.

seen the Bill on the First Reading and only shortly before the Second.¹⁰⁸ Carroll (The Lachlan) protested that Crick had given little or no information on the Bill.¹⁰⁹

The great importance of the Western Lands Bill was recognised and it was supported in principle by the Opposition. Its leader, the Liberal C.A. Lee, said before the adjournment of the Parliament in 1901 that the leader of the Government and he both put forward the same policy on the Bill and that no member of the Opposition had adopted an attitude dictated by party feeling.¹¹⁰ Lee was a member of the Farmers' and Settlers Association in 1902 (Radi *et al.* 1979). The Bill also had the support of McGowen, leader of the Labor Party.¹¹¹ Willis thought the problem was as big as any parliament ever tackled, and hoped the matter would not be affected by partisanship.¹¹² Gormly, claiming much knowledge of the Western Division, thought it one of the most serious pieces of legislation ever attempted in the country.¹¹³ Kater, who had been a grazier in the Division for forty years thought it one of the most important questions to have come before the House for many years. The prominent Liberal and advocate of closer settlement, Joseph Carruthers, promised Crick every assistance to get the Bill passed, fearing that without assistance to the people of the Western Division, the country could just as well be abandoned to its "primitive condition".¹¹⁴

Most Members supported the Bill although there were many objections to its particulars. Some of these objections anticipated important problems in the management of the West which only became apparent decades later. Sleath, Carroll and Ferguson approved of the Bill generally.¹¹⁵ Ferguson claimed it was supported widely in the Western Division by storekeepers, labourers and the western press.¹¹⁶ Such was the general support for reform that Cullen, in the Legislative Council, wondered if the Parliament had much choice in the matter:

... owing to the lateness of the time at which it was introduced its passing may be regarded as a foregone conclusion, simply because the House could not face public criticism in view of the facts that have been brought before the public regarding the need for changes in the conditions of the holdings of the western lands . . . There is not a single clause which offers relief to the western landholder which has not been thrust upon the Government by the public and the press, week in and week out, and as a result of the commission which sat recently.¹¹⁷

The Bill was passed by the Assembly with five of the thirty-six votes cast against it.¹¹⁸ The only Member representing the Western Division against the Bill was Macdonell. He had developed a vehement objection to the Bill, based on his belief

¹⁰⁸ NSW PD, Vol. 4, 28/11/1901, p. 3818.

¹⁰⁹ NSW PD, Vol. 4, 27/11/1901, p. 3742.

¹¹⁰ NSW PD, Vol. 4, 19/12/1901, p. 4634.

¹¹¹ *Ibid.*, p. 4635.

¹¹² NSW PD, Vol. 4, 27/11/1901, p. 3726.

¹¹³ *Ibid.*, p. 3722. See also Ross (Molong), p. 3735.

¹¹⁴ NSW PD, Vol. 4, 27/11/1901, p. 3718.

¹¹⁵ NSW PD, Vol. 4, 3/12/1901, pp. 3888 and 3894 and 11/12/1901, p. 4140.

¹¹⁶ NSW PD, Vol. 4, 3/12/1901, p. 3864.

¹¹⁷ NSW PD, Vol. 4, 11/12/1901, p. 4153.

¹¹⁸ NSW PD, Vol. 4, 4/12/1901, pp. 4007-8.

that the Royal Commission had overstated the problems of the West and was biased toward the large pastoralists to whom it offered a gift of forty-two years' tenure. Macdonell's statements about the condition of the West were inconsistent, but his statement that the West was not in bad condition¹¹⁹ prompted Crick to observe:

The fine description of the west given by the hon. member for Cobar reminded me of what is sometimes said of a person who is dead. Now that the west appears to be departing from us for all time we have the most fulsome eulogy passed upon it . . .¹²⁰

The Bill was clearly intended by Crick to regain productive use of the Crown lands; to protect and develop the environmental, economic and social resource. Confident predictions about the future of the Western Division were quickly made. The Bill was introduced by Crick at 7:20 p.m. By 7:27 discussion of the great problems of the Division was replaced by confident sketches of a bright future. The disastrous state of the Division was not denied. But nor was the ability to change it. Carruthers thought that a progressive policy of public works would increase the value and possibilities of the Division in the long-term. He foresaw water conservation increasing humidity and permanently changing the climate.¹²¹ Gormly did not deny the problems of the Division but shared Carruthers' confidence in the ability of works, especially railways, to help overcome the crisis in the West.¹²² He foresaw the careful passage of the Bill resulting in the Western Division carrying more stock than ever in future years.¹²³ Crick's initial statements on the desperate condition of the Western Division quickly gave way to more confident, but probably largely rhetorical, predictions of the future. Crick accepted that the Western Division had been overstocked, yet argued for the economic and social desirability of returning to those levels of stocking.¹²⁴ He presented the Bill not as a restrictive, interventionist measure, but as one which would increase production and settlement.

Introducing the Bill, Crick noted forty years' failed legislation and said that they had been driven to the conclusion that the West was unsuitable for small settlement.¹²⁵ Crick's Bill contained no real provision to resume land from large leases. An amendment providing for this was introduced by Crick in Committee and he later admitted the validity of encouraging more settlement. Crick seemed to have initially accepted the status quo of land possession in the Western Division given the threats to continued settlement over large areas. The Second Reading of the Bill in the Legislative Council was introduced by Suttor, who immediately stated the objective of management:

It must be admitted by us that being the landlords of this great estate, it should be our desire to encourage by every possible means in our power the placing of people on the Crown lands, and once having placed them there, it should also be

119 Ibid., pp. 4004-5. See also 28/11/1901, p. 3807.

120 NSW PD, Vol. 4, 4/12/1901, p. 4007.

121 NSW PD, Vol. 4, 27/11/1901, p. 3719.

122 Ibid., p. 3720.

123 Ibid., p. 3724.

124 Ibid., p. 3717.

125 Ibid., p. 3716.

our desire, consistent with the rights of the state, to see that they are as comfortably situated as they can be.¹²⁶

Suttor agreed that all the previous legislation in the Division had failed.¹²⁷

It was accepted that the environment of the West needed protection, but there was little discussion of this in the debate. Crick thought regaining productive use of the Western Division would require substantial rehabilitation of the physical environment.

We now find there miles and miles of wind-blown country, where the bare clay shows without a sign of soil upon it; and to bring that country into a proper condition will require considerable care, many good seasons, and an absence of stock for years.¹²⁸

Suttor acknowledged that droughts were inevitable and that he did not know if the Division would ever recover.¹²⁹ Tenant-right was to be given in the cultivation of edible trees and shrubs to bring about the growth of the rapidly disappearing saltbush.¹³⁰ However discussion about the nature of the environment of the West and its relationship to pastoralism was not prominent. There was little analysis of the fundamental causes of the problems of the West. This was probably partly because they had been thoroughly dealt with in the Royal Commission. It demonstrated, though, that managing the Crown lands was still largely seen in terms of managing rents and tenures.

The Bill proposed reducing rents based on the carrying capacity of the land. A maximum of 7d per sheep was to apply for the best land, the minimum was 2d per sheep.¹³¹ Introducing the Second Reading, Crick explained that rent reductions would help prevent overstocking, increase investment, and encourage rabbit destruction. The maximum rent of 7d a sheep was to be imposed because the Western Division required improvements that needed borrowed capital, and a maximum rent would provide some security for the lender.¹³² With increased tenure, the new rental would assist lessees to meet the "imperative condition" that they destroy the rabbits on their runs. The lessees, it was claimed, would destroy rabbits ". . . with a strict regard to economy which would never be done if they had Government money to spend."¹³³ There was no consensus on rents. Some Members thought they would remain excessive. There was concern that rents in the Far West of the Western Division would remain higher than on adjoining land in South Australia.¹³⁴ Macdonell claimed that if the Division had been held rent free, most lessees would still be in their present predicament because they had overcapitalised and faced impossible interest bills.¹³⁵

126 NSW PD, Vol. 4, 11/12/1901, p. 4131.

127 Ibid., p. 4135.

128 NSW PD, Vol. 4, 27/11/1901, p. 3717.

129 NSW PD, Vol. 4, 11/12/1901, p. 4132.

130 NSW PD, Vol. 4, 28/11/1901, p. 3780.

131 NSW PD, Vol. 4, 27/11/1901, p. 3716.

132 NSW PD, Vol. 4, 28/11/1901, p. 3779.

133 Ibid., p. 3778.

134 Ibid., p. 3783.

135 Ibid., p. 3808.

Willis, a Royal Commissioner, wanted it placed on record that before many years were over 7d would be found to be too high. Carruthers thought 7d per sheep could be too high to protect against overstocking.¹³⁶

The Bill proposed establishing a powerful board of three commissioners to manage the Western Division. The board would give consistent decisions on the carrying capacity of the country and administer the stringent conditions which were to be placed on leases.¹³⁷ In his introduction to the Second Reading, Crick defended the intended autonomy of the 'Western Land Board'. He argued that it would not take over the powers of the Parliament which set basic lease and rent conditions.¹³⁸ Crick stressed that the Government had the power to resume land if it was wanted, so the length of leases did not make land in the Division inaccessible.¹³⁹

The main objection to the Bill was that forty-two year leases were to be granted over the entire Division, removing future settlers' access to land. The extension of leases was widely supported, but many thought that the period of extension should reflect the quality of the country, as recommended by the Royal Commission. Ashton, among others, thought forty-two year leases around Walgett too generous.¹⁴⁰ He noted that the Royal Commission recommended a maximum extension of twenty-five years.¹⁴¹ Langwell also thought that a portion of the country would be needed for closer settlement.¹⁴² Carroll, who supported the Bill in general, called the indiscriminate extension of leases over 80,000,000 acres monstrous.¹⁴³ Carroll, representing The Lachlan at the eastern boundary of the Division, faced pressure from his electorate to lobby for land for settlement. He said he would be ashamed to go back to his constituents and say that he had voted in favour of locking up the land from the people for forty-two years.¹⁴⁴ The most vehement objections belonged to Macdonell:

Now, for forty years, no matter what comes, we shall lock up these lands – no matter if . . . some means may be discovered to effectually deal with the rabbit pest; no matter that large sums may be spent in improving that country by the conservation of water; no matter that we may be constructing railways or other public works that will bring the producers out there nearer to their markets; no matter what other changes may take place in the condition of things in the western country, we are to lock up those lands for forty-two years.¹⁴⁵

Wood (Eden-Bombala) warned that the failure of the Western Division was primarily due to overborrowing, and lengthening tenure would allow even more money to be borrowed.¹⁴⁶

136 NSW PD, Vol. 4, 27/11/1901, p. 3718.

137 Ibid., p. 3717.

138 NSW PD, Vol. 4, 28/11/1901, p. 3776.

139 Ibid., p. 3777.

140 NSW PD, Vol. 4, 3/12/1901, p. 3857.

141 Ibid., p. 3858.

142 NSW PD, Vol. 4, 11/12/1901, p. 4140.

143 NSW PD, Vol. 4, 3/12/1901, p. 3894.

144 Ibid., p. 3914.

145 NSW PD, Vol. 4, 28/11/1901, p. 3815.

146 NSW PD, Vol. 4, 27/11/1901, p. 3724.

It was also argued that the long leases would remove the right of subsequent Parliaments to deal with the public estate; that it would disenfranchise the people.¹⁴⁷ It was observed, though, that freehold was the ultimate long lease and nobody ever objected to this. Crick answered that the Act would not stop Parliament from legislating further if they wished. While Parliament may have retained this power in principle, it was later to prove difficult to use in practice. Crick argued that the Parliament retained the power to reserve land from leases. An amendment proposed by Crick provided for the withdrawal of an eighth of leases for sale or for smallholdings.

While it was generally agreed that the Division was only suitable for pastoralism on areas larger than the 10,240 acre Homestead Leases, there was support for breaking up the large estates. Crick, along with most Members, wished to encourage settlement in principle but he acknowledged that except in the best part of the Division Homestead Leases could not support a family.¹⁴⁸ Sleath thought demand for settlement should be met from the Eastern and Central Divisions as the great bulk of the Western Division was only fit for large-scale pastoralism.¹⁴⁹ But he thought provision should be made for the withdrawal of the whole or any part of a lease.¹⁵⁰ Burgess (Young) argued that big estates should be broken into smaller pastoral holdings, similar to the Homestead Leases. Lands should be classified and those found suitable for settlement should be made accessible.¹⁵¹ Carroll proposed that the Bill be amended to give preference to Homestead Lessees in gaining access to resumed areas to increase their insufficient areas.¹⁵² Scobie agreed. Families were brought up on Homestead Leases and: "This was the richest asset that any state can possess."¹⁵³ At the end of 1901, 10,900,000 acres of the Western Division was held under Homestead Lease. Pastoral Lessees held some 43,300,000 acres, and Occupation Licenses and Improvement Leases covered a further 18,600,000 acres.¹⁵⁴

It was widely thought that more people and settlement were needed to overcome the hostile environment of the Western Division. Rabbits were thought to invade the Central Division from the West and it was feared that unless the land was occupied it would turn into a wasteland threatening surrounding areas.¹⁵⁵ Suttor did not think the Government could control pests on Crown lands and hoped that people taking up land in the Western Division would make the problem more manageable.¹⁵⁶ Ashton quoted a Government Statistician's report showing the population of the Division, excluding the mining centres of Broken Hill, Cobar and White Cliffs, shrank from 33,000 to 25,000 between 1891 and 1901.¹⁵⁷ According to Carruthers,

147 See for example Wood, NSW PD, Vol. 4, 3/12/1901, p. 3870.

148 NSW PD, Vol. 4, 28/11/1901, p. 3780.

149 NSW PD, Vol. 4, 3/12/1901, p. 3890.

150 Ibid., p. 3886.

151 Ibid., p. 3893.

152 NSW PD, Vol. 4, 4/12/1901, p. 4001.

153 NSW PD, Vol. 4, 28/11/1901, p. 3746.

154 *Report of the Western Land Board, 1902*, NSW PP (LAVP), 1903.

155 See NSW PD, Vol. 4, 3/12/1901, p. 3883.

156 NSW PD, Vol. 4, 11/12/1901, p. 4136.

157 NSW PD, Vol. 4, 3/12/1901, p. 3853.

What is wanted to solve the problem of the west is more population. We have to face the present problem with a very scanty population in the west; but that condition will disappear before the tide of settlement, and fuller colonisation, and as far as possible we ought to remove all difficulties from the path of pioneer settlers.¹⁵⁸

Macdonell and William Holman (later a Labor and National Premier) thought that the way pastoralism was financed was fundamentally incompatible with successful settlement, particularly smaller settlement. The Royal Commission emphasised the importance of continued expenditure on improvements to make pastoralism viable in the hostile environment of the Western Division; investments like those which had previously led to unsustainable debts. Macdonell believed finance would only be available to the Division at high interest rates due to the high risks. High interest rates had been identified as part of the problem of the Division.¹⁵⁹ The only solution, he thought, was to divide the land into blocks of 50,000 acres to be given to men with some money to start with and at low rentals. Holman, who opposed the Bill, thought it would entrench the larger settler because continued high levels of private investment were required. He thought that the problems and financial losses were so severe that increasing tenure and reducing the rents was not going to save the smaller settler. Instead the measures would confer advantage on those with larger capital and larger areas who were able to carry on through the bad seasons.¹⁶⁰ Holman thought that the evidence in favour of extending leases was almost all given by pastoralists and financial institutions.¹⁶¹

The great importance of the proposed Western Land Board, and the magnitude of its task, was recognised by the Assembly. Wood thought that the success or failure of settlement in the Western Division would depend on the Board.¹⁶² McGowen, leader of the Labor Party, claimed that unless those chosen for the Western Land Board were above the slightest suspicion, the whole State might be ruined.¹⁶³ The Board was to assume the duties of the existing Land Boards, set rents over the entire Western Division by 1904, and administer any leases that remained under the Crown Lands Act. Carruthers doubted that this could be done.¹⁶⁴ Carroll thought the idea of a board dealing with the great question at hand ridiculous, considering the delays of over a year settlers faced at Hillston for Land Board reappraisals.¹⁶⁵

There were reservations about the wisdom of giving control of some of the State's rights of possession over the West to an independent board. There was conflict between a need for a strong and independent body to take control of the Western Division and reluctance to sacrifice accountability to Parliament (or parliamentary power). Decentralising the management of the Western Division gambled on the capacity of the Board to confer the benefits of greater familiarity and responsiveness. McGowen recognised the gamble at the adjournment of Parliament in 1901:

158 NSW PD, Vol. 4, 28/11/1901, p. 3786.

159 Ibid., pp. 3806-10.

160 NSW PD, Vol. 4, 4/12/1901, p. 4003.

161 Ibid., p. 4004.

162 NSW PD, Vol. 4, 27/11/1901, p. 3724.

163 NSW PD, Vol. 4, 19/12/1901, p. 4635.

164 NSW PD, Vol. 4, 28/11/1901, p. 3789.

165 Ibid., p. 3743.

As one of the members of a party who supported the Government in carrying this bill, I may say that we knew we were taking great risks, as everything would depend on the selection of the board who were to administer the act. We feel sure that if that bill is badly administered, if those entrusted with its working do not rise to the responsibility of the position, not only ourselves, but the public of New South Wales, will curse the day they ever brought a government or a parliament in power to pass that act.¹⁶⁶

The importance of these members was also recognised in the *Sydney Morning Herald*.¹⁶⁷ The conflict was typified by Gormly:

I do not agree with the idea of putting the western division under the control of a board, but I believe that whoever is to administer this act must have power to see that the pastoral lessees do not denude the country of the edible scrubs and make it unsuitable for pastoral occupation.¹⁶⁸

There was also concern that an independent board would allow the Minister to shirk responsibility for the Division. Macdonell thought control of the West should remain under the control of Parliament and that a competent Minister should be appointed for a reasonable term to allow him to properly administer the Division.¹⁶⁹ Wood thought the Board would rob the House of considerable power in dealing with the Division. He thought that the Parliament was more likely to act in the interests of the people of the Western Division than a board. Yet he recognised its attraction.

The chief ground on which this board has been agitated for is that those interested in the western division . . . have felt that there is always the possibility of Parliament coming down and interfering with their temporary possessory rights, and if they have a board to govern the whole position they will be in a far better position to secure what they want, that is stability of conditions . . .¹⁷⁰

Macdonell saw folly in a board of three with a quorum of two with the chairman to have an original and casting vote. He would not vote for the legislation with the Board so structured.¹⁷¹ Willis thought the power of the proposed Board should be curtailed: "He would rather see the Bill burnt by the common hangman than allow such enormous power to be handed over to any three men."¹⁷² Ferguson also objected to the power of the Board. Langwell (who was later to head the Board) said that its power was greater than that of the Supreme Court.¹⁷³ Ashton did not believe the affairs of the Division would be properly administered unless vested in one board¹⁷⁴ and argued that the powers of the proposed Board were limited since tenure extensions and rent minima and maxima were set in the legislation.¹⁷⁵

166 NSW PD, Vol. 4, 19/12/1901, p. 4635.

167 See *Riverina Recorder*, 4/12/1901.

168 NSW PD, Vol. 4, 28/11/1901, p. 3795.

169 Ibid., p. 3812.

170 NSW PD, Vol. 4, 27/11/1901, p. 3725.

171 NSW PD, Vol. 4, 28/11/1901, p. 3815.

172 NSW PD, Vol. 4, 27/11/1901, p. 3726 and 3/12/1901, p. 3911.

173 NSW PD, Vol. 4, 11/12/1901, p. 4143.

174 NSW PD, Vol. 4, 3/12/1901, p. 3858.

175 NSW PD, Vol. 4, 27/11/1901, p. 3734.

Conversely, the main concern of the Legislative Council was that the Bill would increase the power of the Minister. Many thought that the Minister would be the final arbiter and Kater was concerned with the consequences of an inept Minister.¹⁷⁶ MacLaurin disagreed with restoring to the Minister powers which were deliberately removed from them by past legislation and thought conditions on leases could be worked to make lessees' position intolerable.¹⁷⁷

The conditions to be imposed on lessees in the schedule to the Bill was given little consideration despite their stringency. It demanded that lessees not keep more than a specified number of sheep.¹⁷⁸ Willis anticipated the provision was likely to be a cause of friction as it gave an altogether vexatious power to the Commissioners. The Bill was "... asked for in order to enable these people to get away from the Minister, from boards, and all such harassing troubles." The provision was deleted in Committee.¹⁷⁹ A condition requiring lessees to effect improvements on the direction of the Western Land Board was also omitted. Carroll thought there was no need for so many conditions but, rightly it transpired, did not seem unduly concerned:

He hoped that our passing them was only a matter of form, and that they would not be put in force, because they would do much injury to people living in the west.¹⁸⁰

Langwell, however, agreed with all the provisions in the schedule.¹⁸¹

Crick's Bill was supported in the *Sydney Morning Herald* in an article also published in the *Riverina Recorder*.¹⁸² Crick's introductory speech was described as "a succinct, fair, and telling summary of the case". The *Herald* was encouraged by the willingness of most Members to admit the need for relief and afford it in "ungrudging measure". Even the *Bulletin* was happy despite the limited provisions for increasing settlement. It called the Bill a reasonably good attempt to deal with a very bad problem. It said, with its usual bluntness:

In theory there is much to be said against Crick's Bill, but theories which are good in many other places are of little account out on the road to Tibooburra. Long leases and large areas and great land monopolies are all objectionable, but if a man wants a long lease of hell, or a large area of hell, or desires to peg out a big monopoly on the floor-space of the Bottomless Pit, it seems almost as well to let him have it if he will pay anything for the privilege. Some parts of the West are less objectionable than others, but, after all, it is mainly a question of the difference between the bottom shelf of Gehenna and the shelf above.¹⁸³

176 NSW PD, Vol. 4, 11/12/1901, p. 4146.

177 Ibid., pp. 4149 and 4152-3. See also Cullen, p. 4153.

178 NSW PD, Vol. 4, 3/12/1901, p. 3924.

179 Ibid., p. 3925.

180 Ibid., p. 3926.

181 NSW PD, Vol. 4, 11/12/1901, p. 4144.

182 *Riverina Recorder*, 4/12/1901.

183 *Bulletin*, 14/12/1901, p. 9.

4.8 THE WESTERN LANDS ACT, 1901

The Western Lands Act, 1901 (henceforth the 'Western Lands Act' or the 'Act') came into force on 1 January 1902. It replaced the Crown Lands Act of 1884 in the regulation of leases, occupation licenses and vacant lands in the Western Division. Under the Act:

- The powerful Western Land Board was established to oversee the management of the Division.
- Financial institutions were required to renegotiate lessees' debts under the auspices of the Western Land Board.
- Rents were restructured and more closely regulated.
- Provision was made for strict conditions to be imposed on leases to prevent environmental degradation.
- As an incentive for lessees to come under the Act, leases were extended to 1943, so increasing their value.
- Provision was made for needy lessees to extend the area of their holdings.
- The permission of the Minister for Lands was required for any improvements to be made to leases if tenant-right was ever intended to be claimed by lessees.
- The Act allowed for land to be resumed for settlers.

The Act did not regulate freehold land in the Division, but no significant area was alienated after the Act came into force. The boundaries of the Division remained as defined by the Crown Lands Act of 1884. Of some 80,319,000 acres in the Western Division in 1908, less than 3,000,000 comprised reserves, alienated land, commons and town lands.¹⁸⁴

The following were the main features of the Act:

PART II Western Land Commissioners.

The Western Lands Act vested the management and control of the Western Division in a board of three commissioners "The Western Land Board of New South Wales". The Commissioners were to assume the powers and duties of the Local Land Boards in respect of leases which came under the Act. The Commissioners were to be appointed for seven years and be eligible for reappointment. One of the Commissioners was to be Chairman.

PART III Land may be brought under this Act.

Holders of leases and Occupation Licenses, or holders of equities of redemption could apply to come under the Act. Leases brought under the Act within six months of its commencement could be extended to 30 June 1943. If no application was made, the lease or license would continue to be administered under the 1884 Crown Lands Act until it expired, after which it would revert to the Crown. All new leases issued in the Western Division were under the terms of the Western Lands Act.

¹⁸⁴ *Report of the Western Land Board, 1908*, NSW PP, 1908 (Second Session), Vol. 1, p. 70.

PART IV Extension, surrender, and issue of new lease.

Mortgaged leases would not be extended unless an agreement was made between the mortgagor, the mortgagee, and the Commissioners to settle any adjustment of the mortgage debt and conditions. The acceptance of an extended lease effectively discharged the mortgage debt to the extent agreed upon. The Commissioners were given authority to inspect any documents relating to the mortgage. Any leasehold area held as security for any debt was subject to these negotiations; it did not apply only to mortgages. If no agreement could be reached between the parties, the matter was referred to the Minister whose decision was final if accepted. If the decision was not accepted by the mortgagee the lease was not brought under the Act, which would substantially reduce its value.

On the report of the Commissioners up to one-eighth of a lease could be withdrawn in one block for sale or smallholdings. To compensate for the loss of land, the term of the lease subjected to the withdrawal could be extended by up to six years.

PART V Terms and Conditions of Leases

Any lease brought under the Act could be forfeited under the discretion of the Minister for Lands for failure to destroy rabbits to the satisfaction of the Commissioners or for any breach of the covenants set out in Schedule A which were applied to a lease. Among its provisions were:

- To destroy vermin and to keep the lease free of vermin to the satisfaction of the Commissioners.
- To destroy noxious weeds at the direction of the Commissioners.
- Not to destroy timber on the lease without the written consent of the Commissioners except for building, fencing or firewood.
- To foster and cultivate edible shrubs and plants at the direction of the Minister.
- To permit the Commissioners access to the lease and improvements.
- To keep all improvements in reasonable repair.
- That the Crown keep the unrestricted right to withdraw any land for travelling stock, camping or other reserve.
- A proviso that if lease conditions were breached, the Minister could cancel the lease.

PART VI Determination of rentals and license fees.

Rents were to be set by the Commissioners. For leases and licenses extended under the Act, a provisional rent was to be paid until 31 December 1904. A revised fee was to be payable annually from the beginning of 1905 until the expiration of the old lease or license current at the date of the passing of the Act. Rents were then to be determined for the periods ending 30 June 1930, and 30 June 1943. For new leases issued under the Act, rent was determined for periods not exceeding ten years.

The Act set a minimum rent of 2s 6d per 640 acres (about a twentieth of a penny per acre), exclusive of rent for Crown improvements. Rent could not exceed 7d per sheep on the carrying capacity determined by the Commissioners. Subsequent

reappraisals were not to increase or decrease rent by more than twenty-five per cent of the existing rent. Payment of debts to the Crown could be postponed. Rent could be increased if any public works were executed which were considered to enhance the value of a lease.

PART VII Disposal of Crown lands available for lease.

Before any Crown lands in the Western Division not already leased were made available, the Commissioners were to recommend the areas, boundaries and rent of the land to be offered for lease. They were also to fix the amount to be paid for any improvements on the land. Any applicant could be rejected.

PART VIII Improvements, ownership, and payment therefor.

When any lease under the Act expired, all the improvements on the land were to become the property of the Crown. But tenant-right could be granted for artesian and other wells, tanks and dams, scrubbing, clearing noxious growths, ringbarking, and fencing. Tenant-right could only be granted if the Minister consented in writing to the proposed improvements.

PART IX Extension of area.

The Act allowed the holder of any lease to apply for more land to enable them to make a livelihood. No increase of area was permitted to any person:

- Who came into possession of the land on which the application was based after 1 January 1901.
- Who already possessed enough land to make a livelihood.

An additional area could be allotted to an applicant anywhere in the Western Division if no Crown land was available nearby. Lessees were permitted to hold one or more Homestead Leases even if the term of residence had not been completed. Homestead Leases in the Western Division were able to apply for lands in the Central and Eastern Divisions.

The attempt to solve the crisis of the West that the Royal Commission represented occurred, probably not entirely coincidentally, at a time when the management of resources based on utilitarian 'wise use' principles was increasingly influential in Australia. This was associated with developments in conservation in British Colonies and North America (Frawley 1994;66-7). No evidence has been found in this instance that the will to preserve was associated with nationalism or the affirmation of the value of the Australian landscape.

4.9 NEGOTIATING THE WEST

The Western Division had become central to the attention of New South Wales. The problem of the West in the 1890s was a vital concern of the State. The occupation of the Division was threatened. Here was a great area of New South Wales

that was denying the expectation that settlement and investment would develop and improve the land, contributing to the economic and social future of the State. The threat to the environment of the West had a deeper resonance; it suggested a failure in European occupation and ingenuity. Maybe it was a disturbing reminder of some of the fragilities of the occupation of New South Wales as a whole. By the 1890s the West was becoming culturally significant. Supposed national characteristics like stoicism, independence and individualism had been invested in its conquest. They were faring badly.

In crisis the West had become more clearly the possession of the State than at any time since European occupation. The discussion of the Western Division did not reflect images of a place of independence and individuals, distant from Sydney in miles, attitude and spirit. The Western Division was the public estate. And it was clear that Parliament was its manager. It was discussed with an unaffected possessiveness that would be expected in a debate about the management of the Domain. Conversion to freehold was not discussed. Admiration was expressed for the struggling settlers, but the State was in control. The Royal Commission was to enquire into the condition of the *Crown tenants*. The relative power of the Western Land Board and the Parliament in the administration of the Division was discussed. The broader role of the State in the administration of the Division was not. Settlement was needed to control environmental changes already in train and it was obvious that some sort of government intervention was needed to ensure it. This control was not a matter of establishing some rightful dominion, but a pragmatic belief that unless the land was occupied and managed its capacity to support pastoralism would continue to decline. It had to be defended. Thus the Royal Commission strongly recommended the occupation of abandoned lands, on almost any terms. Without use, they would continue to degrade, harbour pests, and so threaten their future use and the viability of adjacent land. Those who continued to occupy the land were a valuable asset. Their monopolisation of large areas was secondary to the perceived need that some settlement remain to keep environmental deterioration at bay. Negotiating the West was a defensive as well as adaptive process.

In response to the threatened collapse of the pastoral industry the rights to the Western Division were renegotiated. The renegotiation of the proprietary rights of lessees and the State occurred mainly through the Royal Commission and the Western Lands Act. There was an attempt to reconcile pastoralism, the need for access to land for future settlement, the autonomy of pastoralists and the demands of the environment. The conflicts over access to land were largely suspended in the crisis, the interests of all were threatened. The continuation of settlement was paramount. The occupation of the West had been blighted by failure and the State strongly asserted its rights over the Crown land. The dire condition of the Division and the clamour for relief had left the Government in a strong position. It established a system of management intended to more closely monitor and regulate pastoralism. Central to the assertion of greater State supervision was the appointment of the powerful Western Land Board, a body intended to allow the responsible administration of the Division and management of the State interest in the land. This reduced the autonomy of pastoralists. Stringent conditions were attached to leases. Yet pastoralists in turn required concessions from the State. Pastoralists remained powerful in the negotiations over the rights to the West. Pastoralism was the only way that most land

could be kept in production, the primary goal. The Government reduced rents and increased the duration of leases. Crick assured Parliament that extending leases for forty-two years would not limit the capacity of the Parliament to exercise the proprietary rights of the State over the West in the future. The depth of the crisis allowed the Government to demand that financial institutions forgive part of the debts of pastoralists if the leases they held as security were to be extended. The burden of debt was relieved by this measure and the great amounts that had been written off the value of runs through the 1890s. The concessions to pastoralists were opposed in Parliament by some Labor Members from the West with mining constituencies, but the Act was otherwise widely supported. The champion of the Western Lands Act, the Minister for Lands, W.P. Crick, had an impeccable history as an energetic promoter of closer settlement and his good intentions were unquestioned. Closer settlement was not discounted, although small settlement was rejected. There had been a substantial renegotiation of the rights of those with an interest in the Division and a commitment to the results of this renegotiation. There was unanimity borne of crisis.

This urgent attempt to better adapt pastoralism in the Western Division to its environment represented a commitment to the knowledge of the West that had been developing over about the previous twenty years. It was accepted that the 'normal condition' of the West was drought. This knowledge was highlighted in the *Report of the Royal Commission into the Condition of the Crown Tenants*. The crisis of the 1890s threatened the future of pastoralism and provided the circumstance where there was a clear recognition of this knowledge and a demand that it be applied. In the circumstances of the drought, the knowledge of the limits of the West seemed incontestable.

The renegotiation of the West was only partial: pastoralism in the Western Division was not reinvented or reconstructed. Existing estates were preserved, their size was overlooked. The basic social institutions that were in place in 1901 remained and needed to be accommodated. The Western Division was part of New South Wales and was to reflect this. The recommendations of the Royal Commission and the Western Lands Act were clearly the products of a crisis, but could not be described as radical. The form of pastoralism did not change. The rights of ownership were not fundamentally challenged, only rearranged. The pastoral industry was seen as a product of finance, improvements, rents and fixed leases and competent Government management. The Royal Commission had stressed the incompatibilities between pastoralism and the environment. Yet the debate on the Bill examined the environmental problems only in very general terms. There was already a gap between the knowledge of the West and the mental and institutional tools available to apply it. Macdonell and Holman, for instance, had identified a gap between the accepted causes of the crisis in the Western Division and the remedies proposed to solve it. Debt had been recognised as a main cause of the pastoral crisis, but the Parliament wanted to encourage more borrowing and improvements. They were the only way forward. The Western Division was soon to become even more thoroughly incorporated into New South Wales.

CHAPTER FIVE

RESURRECTION AND RECOVERY

5.1 CHANGE AND IMMUTABILITY

Commitment to the Western Lands Act and what it represented continued in its first years of operation. The measure was recalled with pride in Parliament by governing and opposing factions. Support in the Western Division continued and many claimed it had saved pastoralism. There was a commitment to forget neither the understanding of the West nor the turbulent past that this understanding developed from. It was an understanding that had come at a high cost. That drought was the "normal condition of the West" was a lesson to be remembered. Even the controversial measure by which the debts of lessees were to be renegotiated was a success.

But soon some of the familiar features and patterns of settlement reemerged. The images of an alien place of desert and despair faded. Quickly the demand for land in the West grew with vigour. Encouraging settlement became the primary objective of management. Despite all the exhortations of the difficulties of settlement in the West, its land remained a scarce resource and part of the public estate. Those who wanted to encourage or participate in settling the West had allies in the representatives of Western Division electorates, who usually represented the Labor Party. They were almost constantly lobbied by people wanting land in the Division. Similarly, the pastoralists reasserted their rights to the land. The wish to possess had returned.

The reassertion of lessees' informal rights to the land stopped the implementation of some of the provisions to protect the environment of the West. Active resistance to the regulations was hardly needed: there was no serious attempt by the Government to introduce them. Compulsion was out of keeping with informal notions of land ownership, even in the aftermath of the drought. This had been predicted in the parliamentary debate on the Western Lands Bill. The regulation of pests seems to have been largely left to the Pastures Protection Boards, which were important self-regulatory organisations. Unfortunately, few official records of Pastures Protection Boards from the Western Division are available. Where there was a direct and immediate threat to pastoralism, like rabbits or dogs, government assistance was demanded, as it had been in the past.

The Western Land Board lost much control over the Western Division, even though it kept its nominal independence. The Western Division came to be seen as an underutilised resource, and the Western Land Board an impediment to its development. Great political pressure was placed on the Board to release more land,

and it did so, against its own better judgment. The Commissioners were condemned for not releasing land for settlement in Walgett North even though they firmly believed that small lessees could not succeed. They were pressured by a Parliamentary Select Committee to admit that the West, or at least significant parts of it, were not unique at all; only being denied better integration into the State. Eventually small settlement tenures under the Crown Lands Acts were reimposed on the Division. The Western Land Board had little control over transactions in large leases. The Western Lands Act had made only limited provision for the withdrawal of land. An apparent oversight in the Act allowed for private traffic and speculation in Western Lands Leases that the Western Land Board could not control.

The Western Land Board was itself part of New South Wales and substantially reflected the prevailing values and preoccupations of the State. The Board increasingly encouraged settlement in the West and improvements which it hoped would make the Division more closely reflect the rest of New South Wales. Settlement of the West came no longer to be just defended, but encouraged.

There was a growing faith in the power of improvements and investments to coax more settlement from the Western Division, or even to transform it. Settlement was no longer seen to be limited by the environment, as it was around 1900, but by its state of improvement. Pressure for greater government investment in the Western Division grew. The Western Land Board was particularly optimistic about the capacity of railways to increase settlement. There were constant calls for irrigation, but these were frustrated by a lack of water and only small scale developments occurred. The problem of the West at the beginning of the twentieth century had been to adapt to the Western Division. Settlers were at its mercy. It was now to adapt the Western Division. A 1927 attempt to increase settlement was almost entirely based on the anticipated ability of railways to support small settlers.

The strength of the notion of possession in the West was illustrated by the case of Sidney Kidman. Kidman leased a large area of the Western Division. His landuse was particularly extensive and, on some properties at least, opportunistic. He was seen to make insufficient use of the land even by other extensive pastoralists. His possession of the land was consequently considered illegitimate (though legal) and was deeply resented. The example demonstrates another element of landuse in the West. The need to settle was tied up with the need to maintain control of the environment. Kidman was seen to badly maintain his properties and allow pests, particularly wild dogs, to threaten others' rights of possession and the integrity of the public estate. There was a recognition of certain common proprietary responsibilities. His extensive use of his leases alone was seen by many to constitute neglect of these responsibilities. Yet even Kidman's management of the land, subject of years of complaint and controversy in Parliament as well as the West seems to have escaped official intervention. The Western Land Board admitted it was not even aware of its powers to enforce dog control on his leases.

5.2 UNDER THE WESTERN LANDS ACT

The Western Lands Act was well received by Pastoral and Homestead Lessees in the Western Division. There seem, however, to have been complaints from the Farmers and Settlers' Association that there was no provision for new settlement. In 1902, W.P. Crick and the Western Land Commissioners toured the Division to explain the Act. As it is reported in the *Riverina Recorder*, the tour was a triumphant procession; Crick was a saviour. More land was promised to Homestead Lessees in need – all they had to do was apply. The saviour's reception was warmed by his free promises that much more would be spent on rail, water conservation and other public infrastructure to help recuperate the West. He even suggested that the Act would lead to the return of the times when there were 16,000,000 sheep in the Division. Crick exercised his oratory skills, praising the courageous people of the West and contrasting them with the pampered residents of Sydney. Votes of confidence in the Minister and the Act were unanimously carried at public meetings.¹

The pastoral industry of the Western Division remained in a desperate condition into the first years of the twentieth century. Figure 2.2 indicates that in Wilcannia, Menindee, and particularly Ivanhoe, the drought was at its depth at this time – this after the ruin described by 1900. The *Hillston Spectator* reported in May 1902 that in the Lachlan area of the Division stations were still being abandoned and that the great plains had not been properly grassed since 1895. All edible shrubs had been killed except in a few very small areas. Dust-storms continued and the Lachlan River was absolutely dry in many places.² Years of good seasons would be needed for "resurrection and recovery".³ J.G. Carroll, Member for The Lachlan, described the condition of his electorate in the *Sydney Morning Herald* in May 1903. A weir was being built on the Lachlan River as a relief project to employ local residents, including farmers and settlers; there was no other work owing to the drought. Some well-financed settlers had lost their land and depended on charity and Hillston had greatly declined.⁴ The *Wilcannia Grazier* reported in December 1903 that desolation still reigned around Mossgiel. There were severe dust-storms and some runs were abandoned.⁵ A.W. Mullen, a Western Land Board surveyor, reported to the Board on 30 July 1903 that sandhills around his district of Bourke were continuing to shift. Stock and drought caused dry, loose soil, unprotected by vegetation, to blow in clouds of dust to the south-east. Some fences were buried to a depth of seven feet and dust-storms were so severe that work indoors was impossible without lamps.

I emphatically state that if the natural scrubs and bushes in the area mentioned [west of the Paroo River and between the Darling and the Queensland border] are destroyed indiscriminately and removed from the surface of ground, windswept country will occur . . . and the result will be disastrous, as nothing will grow on bare subsoil.⁶

1 *Riverina Recorder*, 30/4/1902, 7/5/1902 and 14/5/1902.

2 *Hillston Spectator*, 31/5/1902. See also *Riverina Recorder*, 11/3/1903.

3 *Lachlander, Condobolin and Western Districts Recorder*, 21/11/1902.

4 *Sydney Morning Herald*, 29/5/1903, p. 3.

5 *Wilcannia Grazier*, 30/12/1903.

6 SANSW, WLC, *Correspondence*, 10/43569, 03/11371, p. 6.

He recommended the strict supervision of ringbarking and the cutting of edible scrubs. As late as 1904, a meeting of Homestead Lessees from the Hay North and Hillston North Land Districts told the Western Land Board that drifting sand and scalding had been particularly bad since 1902. Large areas of the hardy natural shrubs and grasses had been annihilated.⁷

Under these conditions, tenants of the Western Division requested lenient treatment under the Western Lands Act, partly on the basis that the drought had shown that there was little intrinsic value in the unimproved Crown lands. A deputation of Western Division pastoralists met Crick in April 1902 to ask that the provisional rents set by the Western Land Board not exceed a quarter of current rents.⁸ The passage of the Western Lands Bill was described as an indication that the Government wanted to treat pastoralists fairly, but immediate relief was needed to save the industry.⁹ Crick said that all he could do was to let rents stand over until provisional rents had been determined by the Commissioners. An article in the *Pastoralists' Review* argued that the expense of rebuilding the pastoral industry in the West would be so large that no rent was justified. There was no intrinsic value in the land itself: the sole value was in improvements made by lessees.¹⁰ A delegation from the Hay North Homestead Lessees' Association met the Western Land Board at Mossgiel in October 1904 seeking a substantial reduction in rents. They argued that the capabilities of the country were overestimated by all leases when it was first taken up and their future existence depended upon low rents. They had struggled for ten years in the "western deserts" and most of the original lessees had been ruined. They claimed that careful and considerate administration of the Western Lands Act would restore them to contentment. But even when the drought broke the land would require many years of nurturing for it to have a chance to recover. They asked for light railway lines to be built to help them to remove stock in drought and to reduce their expenses. The greatest disappointment of the Act was that it gave lessees the power to hold additional holdings, but not the opportunity to obtain them.¹¹ This was a prophetic statement.

By 1902, strict measures for environmental protection in the Western Lands Act had been diluted. Many lessees were reported to have grave doubts about the provisions that were to compel them to foster edible shrubs and plants. Crick, on the advice of the Commissioners, decided to limit the amount required to be spent to a maximum of one-eighth of the lease rental. And this sum was to be taken into account in setting rents. It was anticipated that if settlers met with good results they would continue with the enterprise as a profitable investment.¹² By September 1902 it was reported that draft Western Lands Leases limited the amount that was to be spent by lessees in destroying noxious flora and fauna, including rabbits, and propagating edible shrubs to a maximum of one-quarter of a penny per acre annually. This

⁷ *Hillston Spectator*, 14/10/1904.

⁸ *Pastoralists' Review*, April 1902, p. 106.

⁹ *Hillston Spectator*, 5/4/1902.

¹⁰ *Pastoralists' Review*, May 1903, p. 183.

¹¹ *Hillston Spectator*, 14/10/1904.

¹² *Pastoralists' Review*, April 1902, p. 71.

provision was duly included in leases.¹³ The *Pastoralists' Review* pointed out that most lessees already spent at least that much on rabbit destruction alone.¹⁴ But the Hay North Homestead Lessees' Association described it as an onerous tax on country with low stocking rates. It was asked that this charge be taken into account in the rents.¹⁵ This was done. The Crown Solicitor's Office opined on 14 December 1904 that the onerous responsibilities placed on Western Division lessees had been taken into account in setting the rents under the 1901 Act and so there was no reason to charge comparably low rents for leases not brought under the Act.¹⁶ No evidence has been found that the requirements to invest in fostering vegetation or controlling pests were ever enforced.

Ringbarking and scrubbing and rabbit control were, initially at least, more closely controlled. The Western Land Board warned some lessees against ringbarking or cutting timber or edible scrub without the written permission of the Commissioners in *pro-forma* letters in 1904. Similar letters threatened lessees with legal action unless rabbits were controlled.¹⁷ If tenant-right was to be granted for ringbarking or scrubbing, detailed reports were often prepared by the Western Land Board surveyors and applications were sometimes rejected, and often modified, to preserve timber, firebreaks and shelter. Often lessees were required to have the work supervised. In the County of Franklin in 1914, the Western Land Board Surveyor, d'Apice recommended to the Board that a number of forestry reserves be kept, although they had no value for forestry, as a "restraining influence against destruction of timber, which can only be replaced by costly reforestation".¹⁸

Under the Western Land Board

The appointment of the Western Land Board was only the beginning of attempts to reform. The Board began operating in January 1902. Hugh Langwell and R. McDonald were appointed Western Land Commissioners and C.J. McMaster, Chief Commissioner. McMaster had been Chairman of the Moree Land Board, which included the whole north-west of the State, and Chairman of the Advances to Settlers Board. He was Chairman of the Royal Commission into the Condition of the Crown Tenants. His obituary in the *Western Grazier* in 1930 claimed his administration of the Western Lands Act enabled many to stay on the land.¹⁹ Langwell, a member of the Royal Commission, had been a unionist, Member for Bourke from 1891 to 1894, and Legislative Councillor from 1900 to 1902 (Radi *et al.* 1979;163). McDonald was an officer of the Department of Lands. The political appointment of Langwell was noted by the *Pastoralists' Review*, as was the absence of practical pastoral experience. Yet the Commissioners were described as respected men and given cautious support. "They will enjoy immense powers, and the beneficence (or otherwise) of the Act

13 SANSW, WLC, *Miscellaneous Lease Documents and Notices of Transfer*, 1904-26, 8/1633, Western Lands Lease of Arthur Andrews, 14/9/1909.

14 *Pastoralists' Review*, September 1902, p. 485.

15 *Hillston Spectator*, 14/10/1904.

16 SANSW, WLC, *Correspondence*, 10/43570, 04/12768.

17 SANSW, WLC, *Miscellaneous Lease Documents and Notices of Transfer*, 1904-26, 8/1633. See for example letter, Secretary Western Land Board, to owner of Western Lands Lease 833, 30/5/1904.

18 SANSW, WLC, *Correspondence*, 10/43581, 15/1634, 14/4556, 4/8/1914.

19 *Western Grazier*, 16/8/1930.

largely rests with them. May they exercise their authority wisely."²⁰ The *Western Grazier* described McMaster and McDonald as eminently fitted to the position, but had no knowledge of Langwell. It also recognised the importance of the appointees. "The Act is conceived in good spirit, but the best of acts if badly administered may prove failures."²¹

The Western Land Board was, despite the fears of many in the Legislative Assembly in 1901, but a small force when land policy was subject to great public, business and government interest. Land was one of the central issues of New South Wales society and the objectives, power and activities of a board of three must be seen in this context. The Commissioners employed three surveyors, who also acted as run inspectors, to cover the entire Western Division.²² There was concern in the Division that the provisional rents set by the Board were too high and it was said that pastoralists were afraid to complain to the powerful Board.²³ The Premier, Sir John See, travelled through the north-west of the Western Division and was said in a *Pastoralists' Review* editorial to have seen that the object of the "Western Division Relief Act" would be frustrated if rents were not exceedingly liberal and to have recognised that the abandonment of large areas was still possible. The *Review* perceived the pressures faced by the Board and thought that the Premier's visit would encourage leniency.

The commissioners, though independent and omnipotent, are inevitably influenced by public opinion and that of the Government, and, we believe, the recent demonstration will do a world of good by showing them that they need not be afraid of being liberal in their administration of the Act. The Premier's own case proves that it is still necessary to educate public opinion as to the extremity of the position in the Western Division. In these cases if you cease to agitate the public come to the conclusion that you have got as much as you are entitled to.²⁴

The Board's annual report of 1903 highlighted its workload. New leases had to be issued. At the same time applications for additional areas had to be assessed and local inspections made throughout the Division to set provisional rents. Common agreements between mortgagors and mortgagees were to be settled. By the end of 1903, 177 leases with an aggregate area of 23,590,926 acres had been issued.²⁵ Each lessee was asked to provide a report exhaustively detailing the condition of their holding in light of the previous twelve years, together with an estimate of future carrying capacity, costs, and maintenance of improvements. The Commissioners travelled through the Division holding informal and confidential courts to hear the position of leaseholders. This was reported to meet with the absolute satisfaction of lessees as it was simpler and cheaper than the hearings under the Crown Lands Acts.²⁶

20 *Pastoralists' Review*, January 1902, pp. 767-8.

21 *Western Grazier*, 8/2/1902.

22 SANSW, WLC, *Correspondence*, 10/43571, 05/7246, minute, 9/4/1902.

23 *Pastoralists' Review*, June 1903, p. 220.

24 *Ibid.*, p. 220.

25 *Report of the Western Land Board, 1903*, NSW PP, 1903, Vol. 4, p. 25.

26 *Report of the Western Land Board, 1904*, NSW PP, 1905, Vol. 3, p. 27.

The Western Land Board's task proved overwhelming. An Amendment to the Western Lands Act in 1905 (Western Lands (Amendment) Act, 1905) extended the time allowed for lessees to convert their leases into Western Lands Leases indefinitely from the six months allowed in the 1901 Act (s 8). In fact the process of conversion was to extend into the 1920s. James Ashton, the new Liberal Minister for Lands, explained that the extension was given because mortgage agreements were still being settled and because of the lack of information reaching the Division about conversions of leases. Homestead Lessees in the inferior part of the Division, and possibly most of it, he said, needed additional areas, but many had not had the chance to come under the Western Lands Act.²⁷ The time period within which the Commissioners were to set rents for leases was also indefinitely extended (s 17). The Amendment also compelled lessees to fence their leases to the satisfaction of the Western Land Commissioners (s 13). Despite these problems Ashton suggested, while Minister for Lands, that responsibility for the entire routine administration of the Department of Lands be given to three commissioners because the Minister did not have time (Rutledge 1979;111).

The common agreements for debt reduction between mortgagors and mortgagees were successful. The Western Land Board reported that where necessary mortgagees had usually appreciably reduced debt on terms that gave lessees hope. In most cases the Commissioners had accepted the agreements although in some instances they had refused where they thought the security was beyond hope of redemption.²⁸ It is not clear by how much debt was forgiven by financial institutions and in favour of which classes of settler. The arrangements were confidential. But Chief Commissioner McMaster told a Parliamentary Select Committee in 1919 that debts totalling more than £3,000,000 were cancelled in these negotiations. He also recalled that there was scarcely any need to exercise the power of the Board to compel settlements because the banks responded in every case.²⁹

Rents were greatly reduced under the Western Land Board. The Commissioners reported in 1904 that rents for leases and licenses brought under the Western Lands Act had been reduced by £104,764. The Commissioners explained:

... it was obvious that radical reductions were necessary to prevent enormous tracts of country being abandoned, and thus becoming worse than non-productive, inasmuch as they would become breeding grounds for rabbits and all noxious animals.³⁰

They expected the loss of revenue to be compensated by the benefits of occupation under conditions which encouraged energy and the appropriate expenditure of capital. In 1904 the total rent received from all Crown land in the Western Division was £440,940. By 1910 the total had been reduced to only £90,978.³¹ Nevertheless the

27 NSW PD, Vol. 21, 9/11/1905, p. 3661.

28 *Report of the Western Land Board, 1903*, NSW PP, 1903, Vol. 4, p. 25.

29 *Progress Report from the Select Committee on the Land Development under Western Lands Commission Administration*, NSW PP, 1919, Vol. 1, p. 15.

30 *Report of the Western Land Board, 1904*, NSW PP, 1905, Vol. 3, p. 27.

31 *Ibid.*, p. 29 and 1910, NSW PP, 1910, Vol. 1 (Second Session), p. 75.

Western Grazier reported wide dissatisfaction that the Western Land Board was imposing the maximum rent, threatening to drive people off the land.³²

The first years of the Western Lands Act and Western Land Board were well received in Parliament. They were praised during debate on the 1905 Amendment to the Act. The Progressive, E.W. O'Sullivan, briefly Minister for Lands in 1904, thought the Western Lands Act gave people a confidence in the Western Division that did not exist before, and he wanted its boundaries to include some of the Central Division.³³ Robert Scobie said that the people in the Division thoroughly appreciated the Western Lands Act and welcomed the non-confrontational way the Commissioners operated. Few recognised their "herculean labours". Scobie also claimed that in some cases financial institutions had forgiven as much as £30,000 from debts, although some had taken advantage of mortgagors.³⁴ Even Macdonell, perhaps the most severe critic of the Western Lands Act in 1901, had positive words:

But I believe that the great bulk of the benefits that have accrued from the passage of that act have come directly from the able and capable way in which the board has administered it.³⁵

He praised their knowledge of the country and, like Scobie, contrasted their operation with the confrontationalist Land Boards. He did reiterate his objection that the 1901 Act locked away good country from closer settlement.³⁶ In the Legislative Council, R.J. Black suggested, given the success of the Western Land Board, that the whole administration of land laws be put under a commission.³⁷

The Western Land Board also faced the often competing interests of large and small landholders, represented by a number of organisations. As well as the Farmers and Settlers' Association, various smaller organisations representing small lessees in the Western Division alone appeared and disappeared intermittently, generally under the name of Homestead Lessees' Associations. The *Pastoralists' Review* recognised that the fundamental difference between the large landholder and the smallholder and landless was that both wanted the same land and, it admitted, the pastoralists as occupiers resented the desire of the settler to oust them.³⁸

Large and small landholders, though, shared many common concerns. The commonalities between the pastoralists and the Farmers and Settlers' Association were listed by the *Pastoralists' Review*. Both wanted less Ministerial control of land Acts and non-political administration; reappraisal of capital values; water conservation and irrigation and light railways; the settlement of vacant Crown lands and noxious weed legislation. The *Review* thought the organisations could work together. A large part of the will for cooperation came from objection to the Labor

³² *Western Grazier*, 21/10/1903.

³³ NSW PD, Vol. 21, 9/11/1905, p. 3665.

³⁴ *Ibid.*, pp. 3665-7.

³⁵ *Ibid.*, p. 3670.

³⁶ *Ibid.*, p. 3669.

³⁷ NSW PD, Vol. 21, 6/12/1905, p. 4641.

³⁸ *Pastoralists' Review*, August 1902, p. 397.

Party. The *Review* saw the Farmers and Settlers' Association as potential allies against this greater foe.

The pastoralists and agriculturalists have a great deal more right to rule the country than the Labour party; they are more numerous; they add more to its wealth; and they are stronger in nature and character. But they won't work together. That one weakness renders all their strengths unavailable.³⁹

The will for cooperation was also partly the result of the increasing power of the Farmers and Settlers' Association. The *Review* reported:

The association has come to stay, and it will be stronger yearly. What is the pastoralist going to do about it? The alternatives are to ignore it, to covertly oppose it, as individuals, or as a class to try and work in harmony with it. We strongly recommend the last course.⁴⁰

The organisations representing pastoralists in different parts of the Western Division retained their independent identities. In 1921 the Graziers' Association of New South Wales (the Pastoralists' Union changed its name to the Graziers' Association in 1916) suggested that the pastoralists' associations representing the West affiliate more closely. The Pastoralists' Association of West Darling replied that its Council had resolved:

That owing to our geographical position and the conditions being so different it was not to the advantage of either Association for this Association to affiliate, but that this Association is in full sympathy with the aims of the Graziers' Association of New South Wales.

The response of the Pastoralists' Union of Southern Riverina was stronger. A meeting of its Council unanimously decided that amalgamation would not be in the best interests of the members of the Union. It opposed certain unspecified policies of the Graziers' Association and thought many resignations from the Union would follow an amalgamation.⁴¹ Another organisation, the Western Lessees' Association, represented all classes of lessee in the Western Division. It was a response to the need for an organisation solely concerned with Western Division lessees who shared a unique environment, tenure and administration. The Western Lessees Association was usually only active in times of controversy.

Reaffirmation

When the drought began to break, the Commissioners were confident about the future. In 1903 the Commissioners noted the recuperative powers of the country.⁴² By 1904 the Commissioners could say that much of the country that was feared to have been utterly ruined had recovered in a "marvellous manner", and it was believed the

39 *Pastoralists' Review*, December 1902, p. 681.

40 *Pastoralists' Review*, August 1902, p. 397.

41 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/109, MC6770, letter, Pastoralists' Association of West Darling to GANSW, 3/7/1921 and letter, Secretary Pastoralists' Union of Southern Riverina to GANSW, 12/7/1921.

42 *Report of the Western Land Board, 1903*, NSW PP, 1903, Vol. 4, p. 26.

recovery would continue under judicious occupation.⁴³ The *Hillston Spectator* welcomed the good regrowth of grasses and shrubs but noted great changes in the species composition among grasses. Fodder conservation and the propagation of edible shrubs was encouraged and it was suggested that belts of shrub country should be fenced off to assist its regrowth.⁴⁴ The Commissioners thought the "resurrection" of the far western country would only occur when proper facilities for removing stock were established.⁴⁵

Although the drought was widely considered one of the worse, if not the worst, since European occupation, it was widely reaffirmed in country and city press that it was not an aberration. The *Lachlander* urged the people not to forget the lesson of the battle with the drought.⁴⁶ The *Hillston Spectator* published an article describing droughts from 1790, when no rain was said to have fallen in Sydney.

No one can doubt that severe droughts are the normal condition of the country we live in, and there is every reason to believe that the present century will bring about the same results as the past 100 years, only that the coming generations should gain by the experience dearly bought by their forefathers . . . The optimistic view of past and present generations have led to the downfall of many a good man. When this dry time is over, we will doubtless have a short run of luxuriant seasons, with more droughts to follow which will come as surely as night follows day.⁴⁷

Ernest Favenc wrote in the *Sydney Morning Herald* that drought was normal in Australia, "part of our heritage".⁴⁸ The *Hillston Spectator* published a *Daily Telegraph* article in 1904 which warned,

Just at this time of rollicking plenty it may seem like a gratuitous marring of the pleasure of the feast to revive the memory of the last drought and to emphasise its lessons. We should, however, have well learnt by this time that . . . the short, fat time will be surely followed by the long lean time, for which we have to prepare or suffer.⁴⁹

The *Pastoralists' Review* even argued that the drought problem represented a fundamental deficiency in landuse, not the climate.

An indispensable step towards permanent improvement in our affairs is a wide recognition of the fact that the resources of Australia have been over-estimated, and cannot stand the strain which is being put upon them. The first flush of prosperity, due to the opening up of a virgin territory, which has been prolonged past its natural duration by excessive expenditure of borrowed money, has come to an end . . . Even now we do not realise the limitations of the area on which sheep or cattle could be grazed, and . . . to what extent our natural pastures are permanently deteriorated.⁵⁰

43 *Report of the Western Land Board, 1904*, NSW PP, 1905, Vol. 3, p. 27.

44 *Hillston Spectator*, 29/1/1904.

45 *Report of the Western Land Board, 1903*, NSW PP, 1903, Vol. 4, p. 26.

46 *Lachlander, Condobolin and Western Districts Recorder*, 10/4/1903.

47 *Hillston Spectator*, 13/3/1903.

48 *Hillston Spectator*, 15/4/1904.

49 *Hillston Spectator*, 29/1/1904.

50 *Pastoralists' Review*, June 1902, p. 233.

5.3 IMPROVING THE WEST

Private and public improvements, most prominently railways, were believed to be central to regaining prosperity in the Western Division; they were fortifications against inevitable drought. The Western Land Commissioners noted in July 1905 that they were most anxious to encourage expenditure on improvements.⁵¹ Ernest Favenc advocated in the *Sydney Morning Herald* an ambitious system of railways allowing the transport of stock between districts and between States in times of drought.⁵² The Western Land Board thought a railway network was needed to increase the capacity of the Western Division to support settlement and improve conditions for existing settlers. The call for railways continued through its annual reports until the 1930s. Improved rail links were a recommendation of the Royal Commission. In 1906 the Western Land Commissioners claimed that drifting sands would continue to occur until stock could be removed at critical times.⁵³ In 1908 they noted that if stock could be removed safe carrying capacities would be greatly increased and the serious deterioration of the country that was necessarily periodically occurring would be prevented.⁵⁴ Improving the land remained a fundamental part of the occupation of the West, but improvements were now largely perceived as a way to protect settlement. They might have been accurately called 'defences'. This faith in capital improvements seems to have replaced the belief in improving the land itself through pasture conservation and replanting that were part of the recommendations of the Royal Commission and the provisions of the Western Lands Act.

A Public Works Department report prepared in 1902 or 1903 on proposals to irrigate part of the Western Division stated that it should not be considered a measure for closer settlement, only the consolidation of existing settlers. This report, *Proposed Expenditure on Water Conservation Works*, noted that past efforts to induce small settlement in the semi-arid and arid areas of the State had largely failed. Yet immense areas in more humid regions were capable of closer settlement if suitable facilities were provided.⁵⁵ Settlement in the Western Division needed consolidation. If land was abandoned it would cause expensive damage by noxious plants and animals. It was therefore in the interests of the State to promote larger settlers by providing water on stock-routes and where necessary on the land.⁵⁶

The report proposed a canal from the Murrumbidgee across the Lachlan at Oxley and west to Gol Gol, near Mildura.⁵⁷ It saw great potential for diverting and distributing the waters of the Lachlan through Willandra Billabong into very arid back country. But except in good seasons there was not enough water and the construction of a succession of small storages was considered most suitable.⁵⁸ Large scale conservation works on the Darling and its tributaries were not thought possible. The

51 SANSW, WLC, *Correspondence*, 10/43572, 06/3331, minute.

52 *Hillston Spectator*, 15/4/1904.

53 *Report of the Western Land Board*, 1907, NSW PP, 1907 (Second Session), Vol. 1, p. 63.

54 *Report of the Western Land Board*, 1908, NSW PP, 1908 (Second Session), Vol. 1, p. 70.

55 SANSW, WLC, *Correspondence*, 10/43569, 03/4838, p. 1.

56 *Ibid.*, pp. 2-3.

57 *Ibid.*, p. 6.

58 *Ibid.*, pp. 7-8.

streams were intermittent and unsuitable for large water storages.⁵⁹ The findings of the report reflected those of the Royal Commission into the Conservation of Water held in the mid 1880s: irrigation was desirable, but in large measure impractical.⁶⁰ The scarcity of water concerned residents on the lower Lachlan. Residents of the Booligal district opposed the construction of water conservation and irrigation works on the Upper Lachlan. They were seen as a threat to their own supply; the Lachlan had not flowed for a year.⁶¹

5.4 PASTURES PROTECTION BOARDS

Pastures Protection Boards were established in the Western Division in 1902 and were to become an important part of its management. The Pastures Protection Act, 1902, another measure of W.P. Crick, granted wide powers of self-regulation to stockowners in New South Wales. Under the Act, a number of boards which had been introduced by the Government since 1863 to enable the supervised self-regulation of pastoralists and farmers in New South Wales were combined into one.⁶² The broad structure and powers of the Pastures Protection Boards were determined by the Government. They were the responsibility of the Department of Agriculture. Pastures Protection Boards today remain an institution for the self-regulation of stockowners under an umbrella of government legislation and supervision. As explained in Chapter Two, the Boards are not a central part of this study, but are introduced because of their influence.

Under the Pastures Protection Act, Pastures Protection Districts were established throughout New South Wales, each to be administered by a Pastures Protection Board. The Boards consisted of six directors who were elected by stockholders in each District from amongst themselves. A seventh director, and chairman, also from the District, was to be appointed by the Government. Any owner of the equivalent of 100 or more sheep was eligible to vote and stand for Board positions. Stockholders with at least 2,000 sheep or equivalent were entitled to two votes and owners of at least 5,000 sheep had three votes. Every year each Board was to estimate the cost of its administration. This amount was raised by a levy on all stock in the Pastures Protection District. Money from this levy and fines formed the pastures protection fund of the District. The Boards could be directed to pay the State Treasury up to three per cent of their revenue to cover the administration of the Act. The Government could appoint a Chief Inspector for New South Wales and inspectors for any one or more District who were to be paid salaries from the pastures protection fund. All directors were to be considered inspectors.

The Pastures Protection Act placed onerous responsibilities of self-regulation on pastoralists. A major task of the Boards was to enforce the control of noxious animals. In the Western Division rabbit control was initially the duty of the Western

⁵⁹ Ibid., p. 12.

⁶⁰ *Royal Commission - Conservation of Water, Third and Final Report of the Commissioners*, NSW PP (LAVP), 1887, Vol. 5.

⁶¹ *Hillston Spectator*, 24/4/1903. See also 4/10/1902.

⁶² See for example the Scab in Sheep Act, 1863; Stock Act, 1901; Pastures and Stock Protection Act, 1898 and Rabbit Act, 1901.

Land Board and the Act applied only to other noxious animals. Landholders, given adequate warning, were to be compelled to destroy noxious animals on their holdings to the satisfaction of the Board and at their own cost. Anyone authorised by the Board could enter any land to search for rabbits or noxious animals.⁶³ Failure to comply with notice to destroy noxious animals could result in the work being carried out by the Board at the owners' expense. The Board could pay bounties for noxious animals out of the pastures protection fund. Boards could erect rabbit-proof fences on any land, public or private, in any District. Provision was made for the failure of the Board to carry out its duties. Five or more stockowners in a District could apply to the Minister who could compel the destruction of rabbits and noxious animals on any land. Pastures Protection Boards were also responsible for disease control in sheep, including travelling stock.

The application of the Pastures Protection Act to the Western Division may have reflected the enormous task the Western Land Board faced. The Western Land Board had wide formal powers to compel the destruction of noxious plants and animals, but this power was limited by the impossibility of the three surveyor/inspectors employed by the Board assessing and policing pest destruction over the entire Division. The Western Land Board and the Pastures Protection Boards generally cooperated.

In the Western Division, the Pastures Protection Boards were to influence the management of the land in many ways. In addition to their formal functions, they were an important conduit of information between pastoralists and the Western Land Board and wider government. They sometimes cooperated, controversially, with conservative pastoralists' groups in political activity. In the Western Division they represented another example of the renegotiation of property rights between pastoralists and government. In some cases, like pest control, the duties of Pastures Protection Boards sometimes overlapped those of the Western Land Board. In these cases the Western Land Board generally respected the autonomy of the pastoralists and their rights to manage the land. The Pastures Protection Boards also represented a sacrifice of individuals' property rights to groups of pastoralists.

Initially the Pastures Protection Boards were strongly opposed. They were seen to increase Government control over land and landuse and reduce individual autonomy. One of the main reasons was that although they superficially conferred local power, the Government retained undue influence in practice. W.E. Abbott was scathing. He claimed that the Act had been passed without consultation and that there were wide demands for its repeal. Chairmen and stock inspectors were to be government appointees. The appointments were outside the control of the elected Board members and so, he argued, the Act dragooned stockowners into doing what the Stock Department, with its ignorance of the country, wished rather than what they thought best for their own interests. Compounding the objection was that the salaries of these appointed positions, and the "horde of officials in Sydney", were to be taken out of the pastures protection fund.⁶⁴ He asked that stockowners refuse to participate. W. Alison, President of the Pastoralists' Union, strongly objected to the Act, supporting

⁶³ See also Pastures Protection (Amendment) Act, 1904.

⁶⁴ *Hillston Spectator*, 20/2/1903.

Abbott's arguments.⁶⁵ The *Pastoralists' Review* supported Pastures Protection Boards, largely because they replaced a number of separate boards. But the *Review* severely criticised the right of the Minister to appoint chairmen and inspectors independently of the stockowners they represented. "It is a beautiful instrument for the aggrandisement of Ministerial patronage at the pastoralists' expense; for the pastoralists have to find the money."⁶⁶ The *Sydney Mail* said that whatever else Crick had accomplished as Minister for Lands, he could not be complimented on the Pastures Protection Act. All classes of settler objected to some of its provisions.⁶⁷

In the Western Division it was argued that the duties of the Pastures Protection Boards duplicated those of the Western Land Board and were an unnecessary imposition. The Hay North Homestead Lessees' Association supported the removal of this dual control of Western Division leases.⁶⁸ The *Sydney Mail* reported that the Farmers and Settlers' Association had criticised the Act at a recent conference. It was reported that £750 out of the £800 to be raised by the Brewarrina Board was absorbed by expenses.⁶⁹ According to the *Pastoralists' Review*, in 1904 the returns of the Pastures Protection Boards then available showed that the total assessments were £5,146, while the estimated annual administrative expenses were £5,053. Their duties, it was argued, may just as well have been performed by the Western Land Board.⁷⁰ The Merrowie Creek branch of the Western Lessees' Association, meeting in July 1905, supported a call from the Balranald Pastures Protection Board that the Boards in the Western Division be abolished. The Boards were seen to hinder the establishment of a strong and clear rabbit policy because their duties overlapped those of the Western Land Board.⁷¹

Despite the strength of early objections, Pastures Protection Boards rapidly gained acceptance. The *Pastoralists' Review* reported in 1905 that the Local Government (Shires) Bill proposed replacing Pastures Protection Boards with local government. Representatives of Pastures Protection Boards protested to the Minister for Lands, Ashton, in 1905. They argued that the members of the Boards were practical men but that those elected to local councils might have little knowledge of pastoral matters.⁷² The Western Land Board also supported their retention. It regretted, though, that landholders were "so blind to their own interests" that they needed to be compelled by law to control rabbits.⁷³

The autonomy and power of Pastures Protection Boards in the Western Division was increased in 1906.⁷⁴ The number of elected directors of each Board was increased to eight. The chairman was to be elected by the Board instead of appointed by the Government (s 6). The Minister could transfer his powers and duties under the Act to

⁶⁵ *Pastoralists' Review*, March 1903, pp. 36-7.

⁶⁶ *Pastoralists' Review*, January 1903, p. 776.

⁶⁷ *Hillston Spectator*, 22/7/1904.

⁶⁸ *Hillston Spectator*, 14/3/1904.

⁶⁹ *Hillston Spectator*, 22/7/1904.

⁷⁰ *Pastoralists' Review*, February 1904, pp. 839-40.

⁷¹ *Hillston Spectator*, 28/7/1905.

⁷² *Pastoralists' Review*, November 1905, p. 722.

⁷³ *Report of the Western Land Board, 1906*, NSW PP, 1906, Vol. 1, p. 56.

⁷⁴ Pastures Protection (Amendment) Act, 1906.

the Western Land Board where the Western Division was concerned (s 4). The control of rabbits in the Western Division was placed under the Pastures Protection Act, but only when Districts were declared rabbit infested (s 5). This removed the direct responsibility from the Western Land Board to the Pastures Protection Boards in some circumstances and was presumably in response to concerns about duplication of powers.⁷⁵ The relative power of the two bodies remained ambiguous and confused in practice.

5.5 FROM DEFENDING TO PROMOTING SETTLEMENT

Despite the conditions endured during the drought, and the wide publicity they eventually attracted, pressure for land to be released for settlement continued. The demand for land was greater than the drought. Crick was reported to have warned a meeting of Western Division lessees in 1902 that he faced a constant outcry for more land. In the same year the Farmers and Settlers' Association objected to scrub and improvement leases in the Central Division being granted to pastoralists unless the areas were first offered to small settlers.⁷⁶ Scrub and improvement leases were granted over the least habitable land in the Central Division; land that had often been held as part of large, well resourced holdings and yet been abandoned. The Hillston branch of the Farmers and Settlers' Association maintained their concern over the availability of land for settlement in February 1902, when conditions were still desperate.⁷⁷ Rural poverty and unemployment was associated with the long drought; it was not only a tragedy for the landed. There was no social security and other industries were also depressed. Land, almost any land, must have offered at least some people hope. But the Chief Surveyor of the Western Land Board was seconded to report on the land that could be made available for settlement in coastal districts. The Minister for Lands was reported to be convinced of the hopelessness of settling farmers in small areas outside regions of fair average rainfall.⁷⁸

The wider social benefits closer settlement promised were not forgotten. Closer settlement, "more and smaller is better", was an imperative of Australian economic and social management until the second half of the twentieth century (see for example Williams 1975). An editorial in the *Hillston Spectator* toward the end of the drought said it was imperative for the industrial progress of New South Wales. The closer settlement of the richer and better lands would create more wealth and support many families, "an alluring picture". Closer settlement would increase the rural population and promote the distribution rather than monopoly of wealth.⁷⁹ The *Hillston Spectator* editorialised in 1905 that the State was in a disastrous condition because of the want of land for settlement, "the most momentous of the problems of the State".⁸⁰ It argued that settling men on the land should be the first aim of the rulers of the State.⁸¹ There

⁷⁵ *Report of the Western Land Board, 1907*, NSW PP, 1907 (Second Session), Vol. 1, p. 63.

⁷⁶ *Pastoralists' Review*, April 1902, p. 107 and August 1902, p. 396.

⁷⁷ *Hillston Spectator*, 22/2/1902.

⁷⁸ *Sydney Morning Herald*, 6/4/1904, p. 6.

⁷⁹ *Hillston Spectator*, 4/9/1903.

⁸⁰ *Hillston Spectator*, 17/11/1905.

⁸¹ *Hillston Spectator*, 15/12/1905 and 17/11/1905.

was also concern that Australia was the "richest prize that a marauding power could select for annexation". More population was needed for defence.⁸²

Closer settlement was supported, in principle, even by pastoral interests although they objected to what they saw as widespread pressure for ill-considered settlement schemes. The *Pastoralists' Review* encouraged more settlement, population and immigration to develop the country. "Must we, after all, take a back seat in the world in which twenty years ago we shone out as lands of promise and pride?" The difficulty of taking up land was seen as a great obstacle to progress.⁸³ The *Review* saw folly in some of the politically inspired measures to encourage settlement, of which it claimed the whole history of settlement was full. It believed that Australia was on the verge of another demand for government intervention to cut up large estates, and promote small settlement. Small settlement was said to be welcome, indeed necessary, but largeholders were dispossessed for inappropriate settlement demanded of governments by ignorant electors.⁸⁴

Improving conditions in the Western Division were quickly followed by increased pressure for access to land. Scobie pressured the Minister for Lands in 1905 to provide land in the Western Division for young men who had been waiting for over two years.⁸⁵ In 1906 the Western Land Board described the outlook for lessees as far brighter than it had been for many years. Such sanguine views were held in certain parts of the Division that the Commissioners admitted being pressed to recommend the withdrawal of one-eighth of many Western Lands Leases. The Commissioners thought the question of these withdrawals the most difficult they had yet confronted.⁸⁶ Good seasons, together with proximity to the markets of Broken Hill, Victoria and South Australia had led to an extraordinary demand for land in the south-west of the Western Division.⁸⁷ By 1908, the Commissioners reported that public confidence had been almost completely restored and financial institutions were advancing money on the security of Western Division Leases.⁸⁸ The low rents introduced under the Western Lands Act contributed to the increased demand for land. Dissatisfied lessees, large and small, from the west of the Central Division asked the Minister for Lands, James Ashton, for a Royal Commission into their rents and tenure. It was claimed that rent on some land in the Western Division was up to three-quarters below that of adjoining land in the Central Division. Ashton is reported to have observed that such agitation was an inevitable corollary of the reduction of Western Division rents.⁸⁹

With improving conditions came a traffic in Western Lands Leases that the Western Land Board could not control. The Board reported that, despite their care in selecting lessees, speculation in leases was occurring, particularly the sale of smallholdings to larger landholders. Under the Western Lands Act, lessees were able to transfer their leases freely, even to those already with a large area. In contrast the

82 *Lachlander, Condobolin and Western Districts Recorder*, 5/12/1906.

83 *Pastoralists' Review*, October 1905, p. 643. See also May 1905, p. 281.

84 *Pastoralists' Review*, March 1905, p. 34.

85 NSW PD, Vol. 19, 23/8/1905, p. 1612.

86 *Report of the Western Land Board, 1906*, NSW PP, 1906, Vol. 1, p. 57.

87 *Report of the Western Land Board, 1907*, NSW PP, 1907 (Second Session), Vol. 1, p. 64.

88 *Report of the Western Land Board, 1908*, NSW PP, 1908 (Second Session), Vol. 1, p. 70.

89 *Lachlander, Condobolin and Western Districts Recorder*, 8/3/1905 and 26/4/1905.

Western Land Board only leased newly released or resumed land in limited areas and only to those without land or with an insufficient area. The intent of this tight control was to an extent nullified by the private transfers. In response, conditions were imposed on leases that restricted transfer rights.⁹⁰ The permission of the Minister for Lands on the report of the Commissioners was needed from 1910 to transfer, sub-let or even agist stock on a lease.⁹¹ But these restrictions were not applied retrospectively and by July 1910 over 53,500,000 acres were already held under Western Lands Leases, valid until 1943, which were freely transferable.⁹² The Commissioners, though, were not wholly against market transfers, believing strict regulation in parts of the Division unwise:

... [S]uccessful settlement of the problem of the Western Division depends to a very great extent upon the fact that occupation of the land must be relieved of harassing conditions that might limit the expenditure of money in legitimate development of the resources of that part of the State.⁹³

The Western Land Board remained cautious about releasing land and found it difficult to judge the real demand for settlement: it feared speculation. In 1909 nearly 12,000,000 acres which would have attracted tenants were being withheld until the pastoral prospect further improved. This was to help ensure that applicants for land were 'legitimate'; intending to live on the lease and work it permanently. Such applicants were believed more likely in more prosperous conditions. The Western Land Board considered the task of releasing over 13,500,000 acres to tenants who in the interests of the State would put the country to the best possible use the most difficult they had attempted.⁹⁴ This land was held under Occupation License at the time.

In a time like the present, when land and produce values are high, and favourable seasons have apparently taken the place, for a time at any rate, of oft recurring droughts, land-seekers hold extremely optimistic views with regard to the future. So much so is this the case that it is a difficult matter to gauge the true and legitimate demand for land in the Western Division.⁹⁵

Despite this caution, in 1909 the Western Land Board was still eager to provide land for settlers and developed an enthusiasm for settling the mallee lands, particularly along the Murray, through irrigation and railways. There were 9,000,000 acres of mallee in the Division, half of which was unoccupied.⁹⁶

By 1911 the Western Land Board reported a shortage of land for settlement and was facing pressure to release land, but suggested that at least part of this demand was due to ignorance of the condition of the West. Conditions continued to be favourable and the demand for home maintenance areas could not be met under the existing

90 *Report of the Western Land Board, 1909*, NSW PP, 1909, Vol. 1, p. 68.

91 SANSW, WLC, *Correspondence*, 10/43576, 10/3732, minute, 21/04/1910 and lease papers.

92 *Report of the Western Land Board, 1910*, NSW PP, 1910 (Second Session), Vol. 1, p. 75.

93 *Report of the Western Land Board, 1909*, NSW PP, 1909, Vol. 1, p. 68.

94 *Ibid.*, pp. 68 and 71.

95 *Report of the Western Land Board, 1910*, NSW PP, 1910 (Second Session), Vol. 1, p. 74.

96 *Report of the Western Land Board, 1909*, NSW PP, 1909, Vol. 1, pp. 69-70 and 1911, NSW PP, 1911-12, Vol. 1, p. 84.

law.⁹⁷ A 'home maintenance area' was an area which was supposed to carry enough sheep to support a family. The area had no formal definition in the Western Division until later years. The Board warned that the large number of applicants did not reflect the true demand for land. Many had no knowledge of the land or the local conditions and very few had attempted a personal inspection.⁹⁸ Many applicants appeared, however, to have a genuine desire for land. The Commissioners noted that with a recurrence of unfavourable seasons the inexperienced would not be so eager to use their capital and labour. The Commissioners stated that they were not pessimistic about the future but did not forget the limitations of the Division. Their policy had been to not promote closer settlement except where circumstances "presented fair promise of success". Applicants with the best experience in a particular class of country were favoured. This policy, they said, had led to criticism but was defended. They explained that the carrying capacity of the Division had been overestimated in the past but with intelligent treatment, and when stocked on the basis on which rents were determined, was capable of yielding satisfactory returns.⁹⁹ Yet in the same year (1911) a surveyor for the Board almost pleaded with the Commissioners to delay the withdrawal of one-eighth from a lease in the Broken Hill area because it was needed by the lessee who was facing difficult times. This one-eighth of a lease was intended for three settlers.¹⁰⁰

In 1911 the Board also reported that the only way to meet the legitimate demand for land was to resume largeholdings and improve the land; settlement was no longer to be defended, but promoted. The Commissioners needed new legislation to make more resumptions.¹⁰¹ Irrigation settlement and the distribution of water for stock and domestic supply and railway extensions were supported. Investigations into mallee irrigation settlements were under way.¹⁰² It was as if it had finally been realised that there were better prospects for changing the Western Division than changing the demand for settlement. The nature of the Western Lands Act, however, made it difficult to break up the great estates. The Western lands Act was largely a measure to ensure that settlement in the Western Division was preserved, whatever its form. The great areas of some pastoral leases were forgiven in the crisis. Resumptions were limited to one-eighth of leases and the area this provided was often too small for settlement.

Drought affected the Western Division from about 1913 to 1916. By 1913 there had been many applications to lop scrub for fodder.¹⁰³ The Board reported that the last ten seasons had been better than normal and that this could not have been expected to continue. In 1914 the Commissioners noted that properties in the Western Division were in high though abating demand and were regarded as a sound investment. But land was not being released because new lessees would have little hope of

97 *Report of the Western Land Board, 1911*, NSW PP, 1911-12, Vol. 1, p. 83.

98 *Report of the Western Land Board, 1910*, NSW PP, 1910 (Second Session), Vol. 1, p. 74.

99 *Report of the Western Land Board, 1911*, NSW PP, 1911-12, Vol. 1, p. 83.

100 SANSW, WLC, *Correspondence*, 10/43590, 11/2331, Report on the one-eighth of 'Buckalow', 24/1/1911.

101 *Report of the Western Land Board, 1911*, NSW PP, 1911-12, Vol. 1, p. 84 and *1913*, NSW PP, 1913 (Second Session), Vol. 1, p. 82.

102 *Report of the Western Land Board, 1912*, NSW PP, 1912, Vol. 1, p. 83.

103 *Report of the Western Land Board, 1913*, NSW PP, 1913 (Second Session), Vol. 1, p. 81.

successfully occupying the land. Land could not be taken from existing lessees as it was needed to maintain stock which could not be moved to other places due to the drought. The Commissioners suggested the Government Savings Bank give advances to new Western Lessees to tide them over initial difficulties.¹⁰⁴ They were arranged in 1915 but only made on the recommendation of the Western Land Board.¹⁰⁵ By 1916 large stock losses were occurring and sheep needed artificial feeding on some of the main stock-routes so they could travel through drought-stricken country to railways.¹⁰⁶ The records for Ivanhoe and Menindee (Figure 2.2) suggest that rainfall only decreased slightly in the middle of the decade. This was a prelude to a drier period about 1917-18. Sheep numbers were beginning to fall.

The Commissioners were quick to point out that despite drought the condition of pastoralism in the Division was much better than it had been in 1903 and that the environment was being adequately protected. In 1916 the Board was asked by William Ashford, Labor Minister for Lands, to suggest about 100,000 acres suitable for a national park where saltbush and other edible shrubs and trees indigenous to the Western Division might be protected and propagated. The response of the Western Land Board was curt indifference. It replied that two leases might be considered. But since ringbarking would not be allowed on the leases, and the edible trees and shrubs were protected, there did not appear to be any need to reserve any of the land. The Board recommended that the areas be leased for pastoralism.¹⁰⁷ The Commissioners noted that stock losses were so serious that there were few more sheep in 1915 than at the end of the disastrous drought in 1903. But they "confidently anticipated" that pastoralists would quickly regain the position they were in before the drought with a return of fair seasons.¹⁰⁸

In the drought years the Board pursued its vision of transforming parts of the Division through irrigation. The one-eighths had already been withdrawn from leases in the better country. Most of the remaining one-eighths were too small to provide a livelihood. The Commissioners seemed to think that more settlement could only come through large scale investments in improvements which would lessen the impact of drought. In 1915 the Commissioners reported that W.J. Allen, Irrigationist to the Water Conservation and Irrigation Commission, had found that a scheme to irrigate hundreds of thousands of acres of mallee would be the very best in Australia.¹⁰⁹ J. Granter, a surveyor for the Western Land Board, estimated in January 1916 that conservation works on the Darling would provide a permanent water supply to about 9,750,000 acres.¹¹⁰ These proposals offered the potential to overcome what had become the major problem of the Western Land Commissioners: meeting the demand for more settlement. The Commissioners received respectable advice which promised to satisfy the continual demands for settlement from the landless and the Board's

104 *Report of the Western Land Board, 1914*, NSW PP, 1914-15, Vol. 5, pp. 77-8 and 1915, NSW PP, 1915-16, Vol. 1, p. 83.

105 *Report of the Western Land Board, 1917*, NSW PP, 1917-18, Vol. 2, p. 3.

106 *Report of the Western Land Board, 1916*, NSW PP, 1916, Vol. 1, pp. 83-5.

107 SANSW, WLC, *Correspondence*, 10/43587, 16/2944, letter, Ministers' office to Chairman Western Land Board, 19/7/1916 and 16/3186, minute 27/7/1916.

108 *Report of the Western Land Board, 1916*, NSW PP, 1916, Vol. 1, p. 84.

109 *Report of the Western Land Board, 1915*, NSW PP, 1915-16, Vol. 1, p. 82.

110 SANSW, WLC, *Correspondence*, 10/43583, 16/279, Report to Western Land Board, 20/1/1916.

political masters. The drought seems to have reaffirmed a desire to transcend the limitations of the unimproved environment, which they knew would allow for only the most limited settlement. In 1917 the Western Land Board reported:

The commissioners are satisfied of the practicability of developing the agricultural resources of several million acres of the southern part of the Western Division and to that end they have from time to time represented: -

That much of the country in its present state produces practically nothing and yields little or no revenue to the State.

That the quality of the soil compares favourably with lands in Victoria, that have been profitably occupied in areas not exceeding 1,000 acres in extent.

That lands with no greater rainfall have been successfully cultivated in South Australia and Victoria.

That there is a legitimate demand for such lands . . .

That with a water supply comparatively little capital is required to enable successful settlement . . .¹¹¹

The fate of this commitment is discussed in the next Chapter.

Irrigating and otherwise reforming the land of the Western Division was a long-term solution, but the First World War saw increased pressures to immediately make land available for returned soldiers. Some 1,855,000 acres were leased in September and October 1918 to seventy-two applicants.¹¹² Ashford reported in 1919 that the Western Land Commissioners, carrying out the policy of the Government, were making available fifty blocks, ranging from 16,000 to 35,000 acres in the Cobar, Hillston North and Hay North Land Districts, for returned soldiers only.¹¹³ By September 1919, 1,226,000 acres had been released in the Land Districts of Balranald, Cobar, Hillston North and Hay North in blocks of from 7,587 to 57,400 acres. Returned soldiers with experience in the localities were preferred.¹¹⁴ More land was, conveniently, made available to the Western Land Board in 1918, when leases that had remained under the Crown Lands Acts expired. The Minister for Lands seems to have been much more associated with the land question of the Western Division in these years.

Queensland was also facing pressure for more land for settlement. The *Pastoral Review* reported that "grazing homesteads" had been introduced in Queensland on typical western sheep country on blocks of between 4,700 and 5,000 acres. A few months later it was noted that two blocks had already been forfeited and several more were likely to be abandoned or were going into partnership. Yet seasons were good.

111 *Report of the Western Land Board, 1917*, NSW PP, 1917-18, Vol. 2, p. 2.

112 *Report of the Western Land Board, 1919*, NSW PP, 1919, Vol. 1, p. 1.

113 *Pastoral Review*, June 1919, p. 494. The *Pastoralists' Review* was renamed the *Pastoral Review* in January 1913.

114 *Pastoral Review*, September 1919, p. 779.

This was reported as another example of a government's Utopian but impractical ideals.¹¹⁵

At the same time that settlement was being promoted, past traces of optimism over the future of the Western Division were being erased from plans and maps. Around 1916 there were many revocations of unnecessary reserves.¹¹⁶ They were valuable acres for settlement. Settlement had not followed the pattern of the maps drawn by nineteenth century surveyors. Many reserves for water, townships and other purposes had proved unnecessary. It was now the turn of the maps to follow settlement patterns.

By 1918 the Western Land Board was taking an extraordinarily short-term view of settlement, and in 1919 was making land available in a time of drought that it clearly thought of dubious suitability. It reported in 1918 that high returns from pastoral products made it possible to establish successful grazing settlement where a few years ago the attempt would have been impracticable. They anticipated that land could be provided in parts of the Western Division probably for as many returned men as were qualified.¹¹⁷ But the quality of the land, and that to be released in the near future, was questioned in 1919 by the Board itself.

The character of the country is such that while it is excellent in good seasons for depasturing both sheep and large stock, its carrying capacity is limited even in fair seasons. The rainfall is low and so irregular that there is no certainty that even men with large pastoral experience will be successful.¹¹⁸

It was intended to limit applicants to those with local grazing experience, or at least people who were from the locality. The Western Land Board reported that under existing conditions not enough land could be made available to meet demand.¹¹⁹

The prospect of salvation through irrigation and other improvements was an attractive proposition in face of the demands that led to the release of such marginal land. The settlement imperative had to be met and the perceived potential of the land was enhanced by the confidence of its proponents. E.J. Brady wrote:

From Hay to Balranald spread the mighty [chenopod] plains . . . They are composed of black soils and red soils, as fertile as anything on earth . . . They contain the potentialities of five hundred thousand years of fallow; their virgin breasts are yearning to suckle thousands of farms (1918;282).

Moreover, these settlement pressures were occurring in dry times which continued after the First World War. In 1919 the *Sydney Morning Herald* reported bad drought over much of the Western Division in an article based on reports to the Chief Inspector of Stock. There were moving masses of sand in the Milparinka district. Around Wilcannia the serious condition was said to be brought about by low rainfall combined with overstocking and rabbits. There was no feed on the river stock-

¹¹⁵ *Pastoral Review*, February 1918, pp. 103-4 and April 1918, p. 307.

¹¹⁶ See for example SANSW, WLC, *Correspondence*, 10/43584-7.

¹¹⁷ *Report of the Western Land Board, 1918*, NSW PP, 1918, Vol. 1, pp. 40-1.

¹¹⁸ *Report of the Western Land Board, 1919*, NSW PP, 1919, Vol. 1, p. 1.

¹¹⁹ *Ibid.*

routes.¹²⁰ The Commissioners reported that poorly watered stock-routes at Wilcannia had led to the removal of large numbers of stock under almost impossible conditions.¹²¹ L.V. d'Apice, the Western Land Board surveyor based in Cobar, was asked by the Board to report on the distribution and abundance of saltbush. He reported that practically all the 'Old Man Saltbush' and much of the dwarf perennial saltbush (*Atriplex vesicaria*?) had disappeared, mainly because of destruction by stock and rabbits. He suggested establishing plantations.¹²² In 1919 d'Apice also sought to attract occupants for about 326,000 acres of abandoned land around Mossgiel County.¹²³ As discussed in Chapter Two, this drought, at least in parts of the Division, was very severe; in terms of rainfall alone as severe as the drought at the turn of the century. Yet it received comparatively little attention. The long dry period which preceded it may have made it seem less extreme and kept stock numbers down. The reforms of 1901 may have reduced its impact.

The Western Lands (Amendment) Act, 1918, sought to make more land available for settlement. The Act allowed for any lease in the Walgett North Land District to be resumed for settlement. Lessees were eligible to be compensated for the market value of land resumed (s 9). The land to be withdrawn and the compensation to be paid were to be decided by the Western Land Board (s 9). The Amendment also invited lessees in the Division to surrender their leases to the Government if one-eighth had been withdrawn. The lease would then be subdivided by the Western Land Board. The lessee would be able to sell these subdivisions. The rent payable on all the portions combined could not exceed the amount that would be payable if the subdivision had not occurred (1918 ss 2-8).

The original Bill suggested by the Western Land Board proposed that all Crown land in the Western Division be liable for resumption. This suggestion was strongly opposed by the *Pastoral Review*, which argued that the threat of resumptions would destroy the security of leases and repudiate the provision of the Western Lands Act that extended their leases for forty-two years. The *Review* recalled that security of tenure was a central tenet of the Western Lands Act.

These provisions were absolutely necessary in order to prevent universal ruin . . . and after sixteen years no one can say that the result has not justified the severe means adopted by all parties concerned to deal with the situation. The administration of the division by the Western Lands Board has been excellent.¹²⁴

The *Review* strongly urged the Upper House to limit the legislation to areas of the Division where demand for land for closer settlement was strong.

While we object most strongly to repudiation of contracted obligations at all, we fully recognise the fact that in a country like this circumstances arise when the

¹²⁰ *Sydney Morning Herald*, 13/1/1919, p. 5. See also *Pastoral Review*, October 1919, p. 882.

¹²¹ *Report of the Western Land Board, 1919*, NSW PP, 1919, Vol. 1, p. 3.

¹²² SANSW, WLC, *District Surveyor's Reports, 1915-40*, L.V. d'Apice 1918-19, 8/1646, "As to distribution and abundance of Saltbush in New South Wales", 12/10/1918.

¹²³ SANSW, WLC, *District Surveyor's Reports, 1915-40*, L.V. d'Apice 1918-19, 8/1646, "As to disposal of abandoned country. County Mossgiel", 17/2/1919.

¹²⁴ *Pastoral Review*, March 1918, p. 299.

rights of a comparatively small number of individuals cannot be allowed to stand in the way of the development of the country for the benefit of the State at large.¹²⁵

Their goal was achieved. The Legislative Council restricted resumptions to the Walgett North Land District.

5.6 MR. KIDMAN'S DINGO INCUBATOR¹²⁶

Sidney Kidman's opportune landuse in the Western Division was an anathema to the mode of thinking which saw the land to be developed and settled. Kidman's conflict with the dominant way of pastoral production and his perceived interruption of the process of settlement were seen by many to reduce the legitimacy of his occupation of the land. He threatened, albeit inadvertently, the rights of the Government proprietors of the Western Division and its lessees to pursue their interests in the public estate. Kidman had only legal rights to the land. This was insufficient for his use of the land to be accepted. Like the Aborigines at the time of European occupation, this was at least partly because his landuse went against European norms.

The depredations of wild dogs were a problem in the West. The Western Land Board reported in 1912 that over the previous few years in the Milparinka district the number of large stock had increased at the expense of sheep. This was attributed to the invasion of wild dogs from unoccupied land and cattle stations in South Australia. Cattle were less likely to be killed by dogs and so were preferred by some pastoralists. The extent to which dogs were allowed to increase by those with interests in cattle, and the extent to which pastoralists were forced into cattle production because of sheep losses is not clear. Figure 5.1 shows that the proportion of cattle to sheep in the Western Division was certainly rising in this period. The change from sheep to cattle was lamented: cattle were less profitable and the Commissioners feared that country would be abandoned.¹²⁷ Dogs were also reported to be invading from Queensland. In response, pastoralists formed the Queensland Fence Trust, to make about 134 miles of the Queensland border fence dog-proof.¹²⁸ A conference of Western Division Pastures Protection Boards, held in November 1919, stated that the rapid increase of wild dogs seriously threatened the sheep industry with destruction. A large program of fence construction and maintenance, assisted by the Government, was sought.¹²⁹

The Commissioners thought the extermination of dogs of vital importance but made difficult by the "large cattle owners" who were not as concerned with dog destruction as sheep owners. The Board reported in 1920 that:

¹²⁵ Ibid.

¹²⁶ The description of Kidman's holdings as "dingo incubators" belongs to Brookfield (Sturt) NSW PD, Vol. 81, 25/11/1920, p. 2859.

¹²⁷ *Report of the Western Land Board, 1912*, NSW PP, 1912, Vol. 1, pp. 82-3.

¹²⁸ SANSW, WLC, *Correspondence*, 10/43592, 23/2262, 23/2262, minute, 23/3/1923.

¹²⁹ *Western Herald and Darling River Advocate*, 31/3/1917 and *Pastoral Review*, December 1919, p. 1114. See also ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/110, MC6863, Minutes of Annual General Meeting of the Western Darling Pastoralists' Association, 17/5/1921.

If effective assistance be not speedily rendered by the Government in checking the increase and spread of dogs it is certain that the wool-growing industry cannot be continued in a great part of the Western Division.¹³⁰

The Commissioners supported the calls of pastoralists for assistance. The *Pastoral Review* suggested in 1919 that the Government advance the principal for the erection of fences as public works and the Western Land Board be given power to increase rents throughout the Western Division to pay for interest on the principle and maintenance.¹³¹ The Wild Dog Destruction Act, 1921, provided that all rural land in the Western Division be subject to a rate of a twenty-fifth of a penny per acre to pay for dog control. Pastures Protection Boards were asked to receive and pay for scalps delivered. The bounty would be refunded by the Commissioners.¹³² Figure 5.1 shows that after about 1923 the proportion of cattle to sheep in the Western Division began to fall.

The problem of dogs ceased to be seen as primarily a matter of stopping their incursion from other States when Sidney Kidman began to accumulate many large leases in the north of the Western Division, largely for cattle, after the First World War. His holdings were increasingly identified with the dog problem. Kidman controlled a chain of stations stretching from the Gulf of Carpentaria to South Australia. The area Kidman held and the latitude he traversed allowed him to avoid droughts and sell where prices were highest. Many of his holdings were held in complicated networks of companies and partnerships (Ward 1983;583-5 and Bowen, 1992;72-87). Kidman accumulated interests in an enormous area of the Western Division. According to Bowen, by about 1923 he owned or had an interest in 22,000 square miles of western New South Wales – over 14,000,000 acres (Bowen 1992;258)¹³³. As has been shown, contrary to the apparent intention of the Western Lands Act, leases issued before 1910 were held under terms that allowed their free transfer and individuals could accumulate interests in many leases. Kidman was widely accused of neglecting dog destruction and so was thought by many to threaten the viability of the sheep industry over large areas of the Western Division.

130 *Report of the Western Land Board, 1920*, NSW PP, 1920 (Second Session), Vol. 1, p. 66.

131 *Pastoral Review*, December 1919, p. 1114.

132 *Report of the Western Land Board, 1922*, NSW PP, 1922 (Second Session), Vol. 1, p. 28.

133 See also *Progress Report of the Select Committee into Land Development under Western Lands Commission Administration*, NSW PP, 1919, Vol. 1, evidence of Jabez Wright, pp. 18-9.

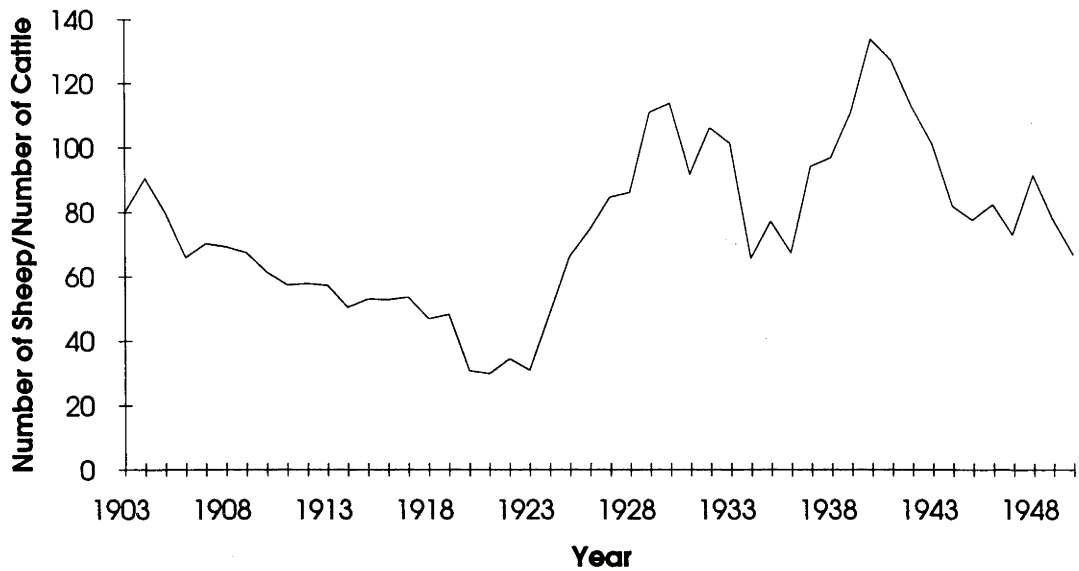


Figure 5.1 Number of sheep per head of cattle in the Western Division, 1903 - 1950.¹³⁴

Kidman's extensive management of his leases was to become an important political issue in New South Wales; he was considered a threat to settlement and became a focal point of increased pressure for land reform in the Division. Kidman's sins were many. As well as failing to control dogs, Kidman was seen to make insufficient use of the land. The large area he had acquired was believed to exclude other, more genuine, settlers. Kidman used the markets of other States. Moreover, his strategy of opportunistic landuse was seen to lead to the neglect of land management and improvements. Cattle were said to need less fencing than sheep. Many improvements belonged to the Crown. His leases were also held to harbour noxious plants and animals other than dogs. His extensive use of the land also meant he employed few people and, of course, no shearers on his cattle stations. Kidman seemed to have no support in the Western Division. He was opposed by smallholders and the landless, and largeholders alike. The largeholders saw Kidman as a threat to the viability of the sheep industry. Smallholders objected to his monopolisation of the land. Both saw his great holdings as limiting the development of the Western Division. His accumulation of leases after the First World War, during drought, appeared vulturine. He was bitterly attacked by some Members of Parliament from the Western Division in Parliament. Mark Davidson, the Labor Member for Cobar, claimed he deliberately encouraged dogs to prosper.¹³⁵ Brookfield, Member for Sturt, said he was leading to the destruction of the town of Wilcannia.¹³⁶

¹³⁴ Annual Reports of the Western Land Board, 1903 - 1950.

¹³⁵ NSW PD, Vol. 81, 25/11/1920, p. 2866.

¹³⁶ Ibid., p. 2860.

The Western Land Board, as administrators of the Western Division, were seen to have some responsibility yet they were largely powerless to stop Kidman's accumulation of land under the legislation they worked under. They also appeared completely unaware of their power to enforce dog control.

If the existing law makes ample provision for the compulsory destruction of dogs it should be rigorously enforced, and if not it should be amended in the direction of compelling all owners of stock . . . to destroy the pest.¹³⁷

This is an extraordinary statement in view of their own power, experience and the length of time this had been an issue. As Carroll had anticipated in Parliament in 1901, provisions for environmental protection had become a dead-letter. The provisions of the Schedule to the Western Lands Act had either not been applied to the many leases Kidman held or had been overlooked by the Commissioners. If they had been applied, the Commissioners, through the Minister, had the unambiguous right to forfeit Kidman's leases if he failed to control pests or maintain improvements (s 18). In May 1924 the Western Land Board told the manager of a Kidman holding (Cobham Lake) that he needed to employ another dogger as it was reported that there were wild dogs on the property¹³⁸. Kidman himself wrote back protesting that he thought they had more doggers than anyone in the district: "The selectors don't catch them they only complain about other Lessees."¹³⁹ Another landholder, informed by the Board at the same time that he was not doing enough to control dogs replied that there was little he could do as his neighbours, specifically Kidman, did not control them.¹⁴⁰ Curiously, criticism of the lack of dog control in the *Pastoral Review* was not extended to the Western Land Board. "There is no complaint against the administration of the Division; the Western Land Board is eminently satisfactory, and probably the buffer that stands between the lessee and absolute extinction."¹⁴¹ This praise may have been because the Board was threatened.

5.7 THE WESTERN LAND BOARD UNDER THREAT

In 1918, the Government proposed abolishing the Western Land Board and replacing it with a single Commissioner. The State election of 1917 was won comfortably by the Nationalists, but Labor still received 42.9 per cent of the vote. In the western country area the Labor representation fell from seventeen to eight out of twenty-eight Seats. The Nationalists were formed by an amalgamation of the Liberal Party with followers of W.A. Holman who split with the Labor Party. Holman formed a Cabinet which included W.C. Ashford, Minister for Lands from 1915 to 1920 (Hagan and Turner 1991;106-15, Nairn 1983;340-7 and Radi *et al.* 1979;9). In 1901 Holman was one of the five who voted against the Western Lands Act and except for Macdonell was its most ardent opponent. According to the *Sydney Morning Herald* the Minister for Lands agreed with the praise that had been bestowed upon the work and character of the Commissioners, but pointed out that the position was different to

¹³⁷ *Report of the Western Land Board, 1919*, NSW PP, 1919, Vol. 1, p. 4.

¹³⁸ SANSW, WLC, *Correspondence*, 10/43595, 24/3441, minute, 2/5/1924.

¹³⁹ SANSW, WLC, *Correspondence*, 10/43595, 24/3441, 24/4628, letter, 16/6/1924.

¹⁴⁰ SANSW, WLC, *Correspondence*, 10/43595, 24/3441, 24/5234, letter from M. Treloar, 7/7/24.

¹⁴¹ *Pastoral Review*, October 1919, p. 882.

when the Commissioners started when they had to reorganise and re-establish the Division.¹⁴²

Ashford was quick to claim that the failure of the Western Land Board to release land was not a consideration. He was reported to have said that considerable misunderstanding existed in the minds of those who criticised the Western Land Board about the amount of settlement that could take place in the Western Division.¹⁴³ He said that the property of Kidman was useless for one-eighth withdrawals. They would not nearly constitute a living area according to the Western Land Board.¹⁴⁴ The *Review* reported that there had been a great deal of talk about settling soldiers on western areas of 20,000 to 30,000 acres. "To put soldiers out there on the blocks talked about would be criminal."¹⁴⁵

The Western Land Board as it was originally constituted received wide and encomious support. The *Pastoral Review* described the Board as the Government Department that was the easiest and most satisfactory to do business with. It was quick, and had little red tape. The Commissioners were open and accessible; practical men who knew their business. The *Review* advocated extending the term of the Board members by seven years as a mark of appreciation of the good work it had done.¹⁴⁶ An editorial in the *Review* said the decision to reduce the personnel of the Board was causing dissatisfaction.

As every one knows the constitution of this board has been an absolute success. The members have been exceptionally able, and have enjoyed the confidence of the public. It is not too much to say that no other board that has ever been in existence in the State has been so universally respected, nor has any other board done such real good work.¹⁴⁷

The 1918 annual conference of Pastures Protection Boards urged the Government to retain the Western Land Commissioners.¹⁴⁸ The Graziers' Association of New South Wales also supported the Board. Its President, John Mackay, said:

Probably no public body in Australia, charged with such important duties, has ever accomplished work which has excited less hostile criticism, or given more thorough satisfaction, than this Western Lands Commission.¹⁴⁹

Select Committee into Land Development

Pressure on the Western Land Board was increased when on 20 November 1919, R.D. Meagher, a past President of the Labor Party, moved in the Legislative Council that a Select Committee be appointed to inquire into land development under the

¹⁴² *Sydney Morning Herald*, 27/6/1918 p. 5 and *Pastoral Review*, July 1918, p. 618.

¹⁴³ *Pastoral Review*, October 1919, p. 885.

¹⁴⁴ *Ibid.*, p. 969.

¹⁴⁵ *Ibid.*, p. 885.

¹⁴⁶ *Pastoral Review*, July 1918, p. 617.

¹⁴⁷ *Pastoral Review*, October 1918, p. 924.

¹⁴⁸ *Pastoral Review*, July 1918, p. 618 and *Sydney Morning Herald*, 27/6/1918, p. 5.

¹⁴⁹ *Pastoral Review*, October 1918, letter to editor, p. 960.

administration of the Western Land Board.¹⁵⁰ Meagher was once a land agent, but seems to have had no experience of the West (Nairn 1986;470-72 and Radi *et al.* 1979). A Select Committee was appointed and a progress report presented to the Parliament, but no final report was issued.¹⁵¹ Meagher asked that the Premier convert the Committee into a Royal Commission but none was appointed.¹⁵² The Select Committee was established and reported with the firm conviction that there was not enough settlement in the Western Division and that attempts to increase it had been inadequate. The Committee's stated aim was to investigate making land available for irrigated settlement. The Committee attempted to find out what the restrictions on settlement were and to recommend ways to overcome them. Despite its limited objectives the Committee developed into an overt and general attack on the extensive nature of holdings in the Western Division. The *Pastoral Review* wondered what was behind the appointment of the Committee. It noted that most members of the Committee were certainly not noted for their knowledge of land administration and contrasted the Committee with the Western Land Board.

The board has done remarkably good work in the past, and it was a stroke of genius that inaugurated the Western Land Acts, and established the board and its functions.¹⁵³

The Committee had ten members.¹⁵⁴ Among them were Joseph Carruthers, an ardent proponent of closer settlement and Thomas Waddell, a Liberal who had interests in Western Division stations and who had represented Bourke and Cobar in the Legislative Assembly in the nineteenth century. He had been a member of the Farmers and Settlers' Association (Radi *et al.* 1979; 281). A.E. Hunt was President of the Farmers and Settlers' Association from 1914 to 1916. He was, in 1917, an executive member of the Graziers' Association of New South Wales and was to become its President from 1921 to 1922 (Radi *et al.* 1979; 140).

The Committee was concerned that land in the Walgett North Land District had not been made available for closer settlement despite the intention of the Western Lands (Amendment) Act, 1918. This failure seems to have precipitated the Committee. The Committee interviewed C.J. McMaster, Chief Commissioner of the Western Land Board. The Committee read a statement from Hansard from the Member for Namoi, Walter Wearne, that Walgett had been ruined by the locking up of land in the Western Division: there was a holding of 250,000 acres in Walgett North, while over the river in the Central Division holdings were from 5,000 to 10,000 acres. The Committee asked why land in Walgett North had not been withdrawn to "comply with the apparently well founded desire of the people of Walgett to have this land made available for smaller settlement". McMaster was asked repeatedly if he did not think that the land in the Western Division adjacent to the Central Division around Walgett was as good as that in the Central Division.

150 *Progress Report of the Select Committee into Land Development under Western Lands Commission Administration*, NSW PP, 1919, Vol. 1 ('*Report on Land Development under the Western Lands Commission*'), p. 2.

151 '*Report on Land Development under the Western Lands Commission*'.

152 *Ibid.*, p. 2.

153 *Pastoral Review*, December 1919, p. 1168.

154 '*Report on Land Development under the Western Lands Commission*', p. 90.

McMaster denied that it was, but noted that there was a feeling in the area that this was so.¹⁵⁵ McMaster estimated that Central Division land was worth fifty per cent more.¹⁵⁶ Wearne's Namoi electorate included about 3,375,000 acres of the Western Division west of the Barwon River.¹⁵⁷

Closer settlement was supported before the Committee by a Land Valuer and Agent, Howard Speight who had worked on the land in the Walgett District. Speight thought settlement appropriate on about 6,000,000 acres in the Walgett area of the Western Division in holdings of about 7,000 to 8,000 acres. He thought 13s per acre was fair compensation for the land. But Speight had words of warning. He thought lessees should prepare for bad seasons and should be picked individually. He believed men should be bred in the Division to make successful settlers. Speight also warned that the climate was changing, so although he had been on the country for thirty years he did not know it yet.¹⁵⁸ Speight suggested that partnerships be encouraged, to save on wages and to give the men "a chance to get away for a month or two for a rest". The Committee's reply revealed something of its attitude to settlement:

Committee Member Hunt: To spend their money?

Speight: No, for a rest . . .

Committee Chairman: Do you consider a rest at the wayside "pub" would be a good thing for them?

Speight: No but it would give them a chance to get away for a while.¹⁵⁹

The Committee was supported, although not with as much enthusiasm as it perhaps would have liked, by Wearne. Wearne had a 5,000 acre farm on the Gwydir River and was an executive of the Farmers and Settlers' Association from 1909 to 1922. He was a proponent of soldier settlement and the voluntary subdivision of larger estates (Atchison 1990; 421-2). Wearne was unfamiliar with the Walgett area before his election in 1917. He thought at least 10,000 acres of land from Gingi, a large station in the Western Division near Walgett, would be required for a decent living area. He considered the land inferior to the Central Division, where 5,000 or 6,000 acres was needed. He did not think settlement would be successful unless settlers were experienced in that class of country. Wearne said land in the Western Division was needed for expanding families in the Central Division. Sons were being lost to Queensland through want of land. The extensive holdings in the Western Division handicapped the progress of towns. He rejected the idea of using land in the Western Division for soldier settlement. Familiarity with the conditions was needed and much more money needed to be invested in improvements to leases than in other areas. He said there was widespread support for breaking up largeholdings in the Western Division around Walgett. It was grazing country only. In view of the "great

155 Ibid., pp. 11-2.

156 Ibid., p. 14.

157 Ibid., p. 24.

158 Ibid., pp. 21-3.

159 Ibid., p. 22.

drought" then prevailing he thought it was unwise to make great changes to western leases.¹⁶⁰

McMaster explained why land was not resumed in Walgett North under the 1918 Amendment, but did not satisfy the Committee. He explained that the Western Land Board had not been asked to make resumptions and the price that would need to have been paid in compensation for the leasehold, one pound an acre, was too high considering leases only had twenty-three years to run. The Western Land Board was to determine and pay compensation to lessees at the market value of the leasehold. The cost of compensation was to have been recouped through new settlers and the sum was too high. McMaster stated plainly that one pound an acre was too much to pay for land and improvements for closer settlement. But the Committee clearly wanted him to state that it was reasonable and called for the resumptions to occur at one pound an acre. The refusal of the Western Land Board to accept this price suggests that land in Walgett North was over-valued. This highlights the popularity of land in the Division. Considering the Western Land Commissioners' enthusiasm for meeting the demand for land, there is no reason to doubt this explanation. McMaster thought that in the best 1,000,000 acres in the Division, areas of 7,000 acres were suitable. This included the area around Walgett and the frontage of the Barwon. A further 5,000,000 acres was suitable for 12,000 acre blocks.¹⁶¹

The Committee was concerned about other elements of the administration of the Western Division. It observed that the Commission was independent from the Minister for Lands. It also noted that very large properties had been allowed to come under the Western Lands Act intact and that rentals for large areas had been reduced. The Committee also noted that immediately after the Western Lands Act, 1901, much of the capital in the Western Division came from Melbourne and Adelaide. Financial interests from New South Wales, according to McMaster, were comparatively insignificant. McMaster admitted that the Commission had no control over the transfer of leases issued under the Western Lands Act before 1910. Lessees could freely transfer and sublet leases. The maximum rent per sheep of 7d an acre was also brought up. When this was set sheep were practically unsaleable but since the war, McMaster agreed, 30s was about the cost of a sheep. McMaster admitted that an increase in the rent per sheep was appropriate and agreed that to some the Act of 1901 had meant a "princely revenue".

The Committee also objected to Kidman's monopolisation and use of land and interviewed Jabez Wright, Labor Member for Willyama. Wright had lived in the area for thirty years and claimed that Kidman was excluding smaller lessees and that his landuse was inimical to settlement. Wright claimed Kidman had just bought a station (Mordan) which had carried 100,000 sheep and employed fifty men but which would now be run under three men and converted to cattle. He also claimed that land in the north of the Western Division was infested with wild dogs and that Kidman employed no doggers. Wright claimed that Kidman, like other men, did things that paid, but that

¹⁶⁰ Ibid., pp. 24-7.

¹⁶¹ Ibid., pp. 12-5.

national interests should be considered. Kidman's landuse was driving people away from the country and it was hard to replace them.¹⁶²

Another concern of the Committee was the lack of development of irrigation. The Committee claimed that up to £200 per acre had been paid for land at Mildura, on the Victorian side of the Murray River but that the land in the Western Division opposite was "practically a wilderness". Henry Harvey Dare, the Commissioner for Water Conservation and Irrigation, was examined. He anticipated that works on the upper Murray allowing for settlement would be in place by 1929. Irrigation at Menindee, while supported, faced the problem of maintaining water supply when the Darling was low or dry.¹⁶³ The matter needed more investigation. Wright advocated damming Lake Menindee and a nearby lake for irrigated holdings. He claimed there was agitation in Broken Hill for small settlement which, he claimed, would make it a permanent town.¹⁶⁴ Wright claimed that small men could make a living with their families running 2,000 or 3,000 sheep. He pictured the youngsters shepherding (as protection from the dogs) and thought it would "be a fine thing for the country to breed the sturdy race of people who live in that district".¹⁶⁵ Lake Menindee was then held by the Kinchega Company, from South Australia, at one quarter of a penny per acre.

McMaster defended the record of the Western Land Board in promoting irrigation. McMaster considered the land at Gol Gol, on the north bank of the Murray, at least as good as Mildura, but there was not enough water. The Murray had run dry there three years previously and there was not enough water for Mildura alone. The Murray needed to be locked.¹⁶⁶ In July 1917, the Commissioners had asked the Water Conservation and Irrigation Commission to conduct a contour survey between the Darling and the Murrumbidgee and Murray Rivers to see whether these lands could be put to their "proper use".

There are certain lands in the southern part of the Western Division of New South Wales that are of very superior quality for irrigation purposes, and also extensive areas suitable for wheat growing or mixed farming purposes.¹⁶⁷

In July 1918 the Western Land Board seems to have been taken aback by the £100,000 cost of such a survey – out of the question in 1918. It was then suggested that the land should be used in the future rather than immediately.¹⁶⁸

5.8 BUSINESS AS USUAL

In 1920 the Western Land Board still faced land shortages and an excess of demand. By 1920, 153 returned soldiers had been settled on 2,826,500 acres in the Western Division. The suitable land that could be made available for settlement was

¹⁶² Ibid., pp. 18-9.

¹⁶³ Ibid., pp. 35-6.

¹⁶⁴ Ibid., pp. 16-7.

¹⁶⁵ Ibid., p. 20.

¹⁶⁶ Ibid., p. 31.

¹⁶⁷ SANSW, WLC, *Correspondence*, 10/43586, 17/3266, minute, 9/7/1917.

¹⁶⁸ SANSW, WLC, *Correspondence*, 10/43586, 17/3917, minute, 8/7/1918.

so limited that it was impossible to meet the demands of returned soldiers and others with strong claims to land. It was decided that returned soldiers with experience on the land would no longer be given rigid preference over locals with experience. In view of the scarcity the Commissioners sought the ability to withdraw any land for small settlement as it had proposed in the 1918 Bill.¹⁶⁹

The problems of the Board were compounded by continuing dry seasons which failed, however, to stop the demand for land. The Board reported in 1920 that there had been no useful rain over much of the Division for over two years and all surface water had disappeared resulting in the temporary abandonment of many holdings. Stock-routes were impassable. The Darling was waterless for twenty miles at a stretch.¹⁷⁰ The Merrowie Local Committee of the Graziers' Association wanted four of the last seven feet of water left in Lake Cargelligo released so the Lachlan would flow at Booligal.¹⁷¹ By 1923 the continued drought made it inadvisable to offer blocks for settlement, as the country was generally unfit for occupation. Nevertheless it was reported that demand for property in the West was not diminishing and blocks released were largely over-applied for. Many intending settlers had no experience in that part of the State and were unsuitable, but a large number of "capable and deserving" applicants could not be satisfied. Again, the land that was available was remote.¹⁷² By 1924, high wool prices had led to a demand for land and an increase in its price in the Division despite the diminishing terms of leases.¹⁷³ The Western Land Board received many letters pleading for land from the Western Division. Many were sent to the Board through local Members of Parliament.¹⁷⁴ By 1925, 236 Blocks had been allotted to soldiers in the Division of which 187 were still in occupation. Twenty-nine had transferred and twenty had been abandoned or forfeited.¹⁷⁵

No additional land was available to anyone who had acquired a lease after the 1901 Act and by 1925 it appears no additional areas were available to any lessee, whatever their need. This was despite the practice of the Western Land Board of releasing marginal land. A lessee from near Cobar asked the Commissioners for more land. He claimed to have had no sheep on his block for a year for want of feed. The Board responded that there was a high demand for blocks from the landless so that his prospect of obtaining another block was very remote.¹⁷⁶ Similarly, the widow of the purchaser of a lease near the Warrego River requested a small additional area from an adjacent Permissive Occupancy. Mullen, Western Land Board surveyor, reported that her lease ran about 500 sheep and forty cattle. She too had to compete with those without any land.¹⁷⁷

169 *Report of the Western Land Board, 1920*, NSW PP, 1920 (Second Session), Vol. 1, p. 64-5.

170 *Ibid.*, p. 65-7.

171 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/136, MC8814, letter, Merrowie Local Committee to GANSW, 16/4/1923.

172 *Report of the Western Land Board, 1923*, NSW PP, 1923, Vol. 1, p. 9.

173 *Report of the Western Land Board, 1924*, NSW PP, 1924, Vol. 1, p. 37.

174 See for example SANSW, WLC, *Correspondence*, 10/43597, 25/763.

175 *Report of the Western Land Board, 1925*, NSW PP, 1925-26, Vol. 1, p. 44.

176 SANSW, WLC, *Correspondence*, 10/43597, 25/727, letter from Mr Tolloh, 20/1/1925 and Commissioners' annotations.

177 SANSW, WLC, *Correspondence*, 10/43601, 26/965, 24/7941.

The Western Land Board continued to request improvements for the Division and continued a long-running complaint that public watering places were neglected by the Public Works Department, the responsible body. Referring to both water supply and railways it said: "The Western Division is a valuable asset, but it will depreciate if denied the expenditure necessary to construct and maintain works that are essential to its permanent and successful occupation."¹⁷⁸ The Minister visited the north of the Division and it was claimed that he did not see one public tank in proper order. The Commission was game to call the maintenance of public watering places in the Division negligent and said the absence of water on stock-routes was leading to the disappearance of edible shrubs. "A sufficient water supply, well maintained, would go far to prevent deterioration of the Crown estate."¹⁷⁹ The Commissioners wanted the control of water on stock-routes transferred to Pastures Protection Boards. They argued that the graziers themselves were prepared to undertake the duty which they understood and could perform much more promptly, effectively and economically than any other body.¹⁸⁰ In 1923, Public Watering Places on the Travelling Stock Reserves were still generally in such a bad state of repair that they were no use to the travelling public. Most roads were impassable to stock because of lack of water.¹⁸¹

In 1922 the Western Land Board was weakened by the Government to the opposition of some pastoralists. Toward the end of 1922 McMaster and another Commissioner retired. Hugh Langwell became Chairman and G.A. Denning and A.W. Mullen were appointed Commissioners. Both had been on the staff of the Board almost since its inception, Denning as its Secretary, and Mullen as a surveyor.¹⁸² But they were to continue their old duties, effectively becoming part-time Commissioners. The Pastoralists' Association of West Darling wrote to the Minister to protest that this had further shaken the confidence of landholders that the Western Lands Act could be satisfactorily administered. There was dissatisfaction over the attempts to control wild dogs.¹⁸³

In 1924 the Board was still seeking ways to make land available. During 1924 about 2,500,000 acres was released, some in the most remote parts of the Division. The Commissioners had exhausted all their powers of resumption of eighths from which a living area could be made. The Board again criticised the restriction of the 1918 Amendment to the Walgett North Land District. They believed its wider application would allow many properties containing lower grade country to be resumed at a price which would allow settlers of small means to establish homes where they knew the local conditions. Some land was made available through private subdivisions, but the Western Land Board noted that those with limited capital were not in a position to acquire them.¹⁸⁴

¹⁷⁸ *Report of the Western Land Board, 1920*, NSW PP, 1920 (Second Session), Vol. 1, p. 66.

¹⁷⁹ *Report of the Western Land Board, 1921*, NSW PP, 1922 (First Session), p. 57.

¹⁸⁰ *Ibid.*, p. 3.

¹⁸¹ *Report of the Western Land Board, 1923*, NSW PP, 1923, Vol. 1, p. 10.

¹⁸² *Ibid.*, p. 9.

¹⁸³ ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/133, MC8421, letter, 29/1/1923.

¹⁸⁴ *Report of the Western Land Board, 1924*, NSW PP, 1924, Vol. 1, p. 37.

5.9 AMENDING THEIR WAYS

In 1927 the Labor Party under Jack Lang was elected, giving new strength to the calls for land reform in the West. The *Pastoralists' Review* objected to a Labor closer settlement Bill, but stressed that it was not opposed to closer settlement in principle. It said the Graziers' Association thought closer settlement an absolute necessity but objected to ". . . hare-brained schemes that are politically paraded in the name of closer settlement."¹⁸⁵ It admitted that it was desirable to settle more families on the land but warned:

A good deal is heard of those settlers who have made a success of it and have done really well. Those are men who have worked from early dawn till it was too dark to work, summer and winter, and who employ as little labour as it is possible to do with. The numbers of settlers who are making a miserable hand to mouth existence and those who give up the land as a bad job are not heard of.¹⁸⁶

The *Review* also argued that there were many more seekers of land than genuine applicants with experience and capital.¹⁸⁷

The Graziers' Association of New South Wales had been undergoing a slow transition and was representing smaller members. Figure 5.2 shows that the membership of the organisation greatly increased after about 1906 as it took on a broader role as advocate of graziers' interests. At the same time, Figure 5.3 shows, the average number of sheep held by the members of the Association declined – to below 5,000 per member the 1920s. While the Association remained conservative, its distance from organisations like the Farmers and Settlers' Association had diminished. The change in name from the Pastoralists' Union to the Graziers' Association in 1916 was to make the organisation more attractive to smaller woolgrowers, and to improve its image with governments (Harman 1968:155-6). According to Harman, though, there is little evidence that smaller woolgrowers played a significant part in the decision making of the organisation at the time.

¹⁸⁵ *Pastoral Review*, April 1927, p. 332.

¹⁸⁶ *Pastoral Review*, January 1927, p. 2.

¹⁸⁷ *Pastoral Review*, April 1927, pp. 331-2.

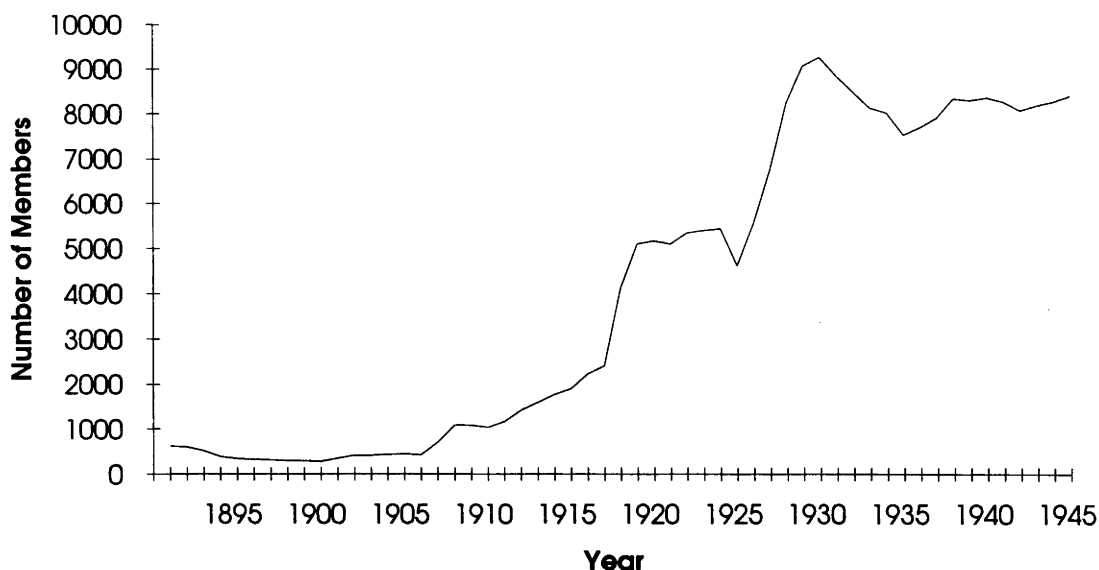


Figure 5.2 Number of members of the Graziers' Association of New South Wales, 1891 - 1945.¹⁸⁸

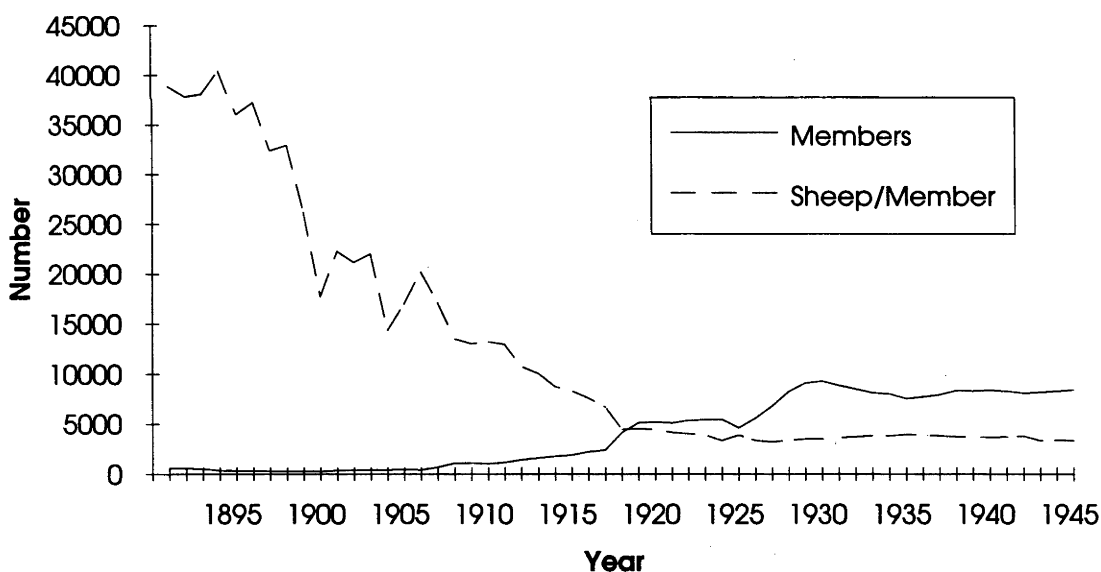


Figure 5.3 Number of members of the Graziers' Association of New South Wales and average number of sheep held per member, 1891 - 1945.¹⁸⁹

188 ANU NBAC, NSW Farmers' Association, *GANSW Statistical and Financial Data, 1891-1948*, E256/1625, "Number of members and number of sheep".

189 Ibid. Sheep numbers include sheep equivalent in other stock. Sheep numbers were not always recorded at the same time of year.

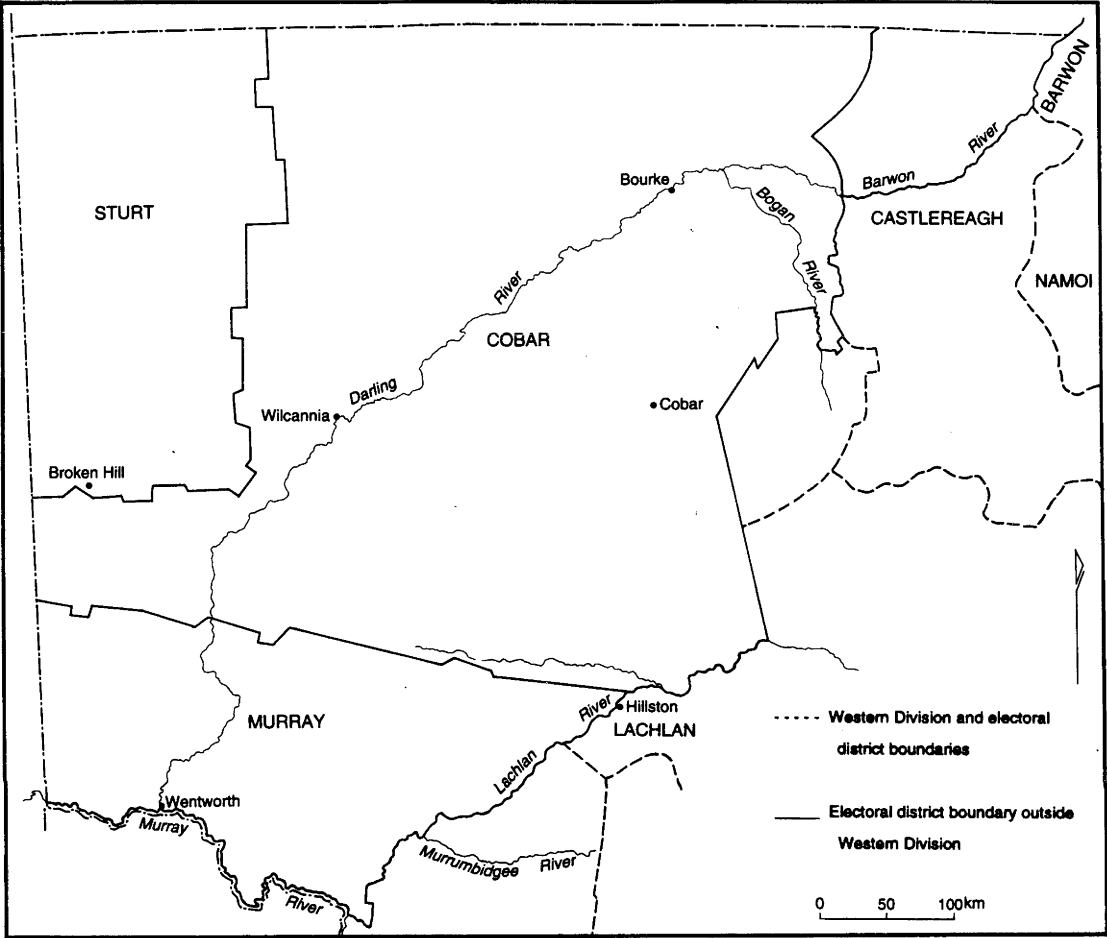


Figure 5.4 State electorates in whole or in part in the Western Division in 1932.¹⁹⁰

¹⁹⁰ *Daily Telegraph*, 13/6/1932.

The Graziers' Association and Farmers and Settlers' Association were vehemently opposed to the Lang Labor Government. C.G. Waddell in his presidential address told the 1927 annual conference of the Graziers' Association:

It used to be said that if the season was right the Government did not matter. The present Government has proved to us, however, that politics are almost as important as the weather.¹⁹¹

He described the Lang Government as the biggest political affliction the industry had ever been called upon to bear.¹⁹² The *Pastoral Review* was anxious that the Lang Government not be returned. It was concerned that five purely country electorates were held by Labor and that some small farmers voted for Labor. Both the Farmers and Settlers' and the Graziers' Association were "working strenuously for the return of good government".¹⁹³ The electorates of the New South Wales Parliament in the Western Division are shown in Figure 5.4.

The Labor Government amended the Western Lands Act in 1927 (Western Lands (Amendment) Act, 1927), allowing for the withdrawal, with compensation, of any land from any lease along with associated freehold land. These were similar to the powers the 1918 Amendment gave to withdraw land in Walgett North. The withdrawn land was to provide for settlement in home-maintenance areas. Crown lands could be declared open for lease specifically for agriculture (s 2). The Amendment also allowed holders of leases of lands which had been declared open for agriculture or for agriculture and grazing to convert their holdings into a Condition Purchase, a Conditional Purchase and Conditional Lease, or a Homestead Grant.¹⁹⁴ These were tenures under the existing Crown Lands Acts for small settlers in the Central and Eastern Divisions.

In the Lang Ministry, the Western Lands Amendment Bill rested mainly with William Dunn, Minister for Agriculture and Assistant Minister for Lands and Forests. The Bill was framed by the Western Land Commissioners. Dunn said their work had resulted in a very great deal of satisfactory settlement in a country that was difficult to settle. He explained that the advent of railways enabled some of the Western Division to be settled in home-maintenance areas. Dunn claimed there had been a complete change in the condition of settlement – but railway development was the only reason he gave.¹⁹⁵ Dunn's argument for the Bill was that of the Western Land Board. He told Parliament that nearly all possible one-eighths had been withdrawn and that land at Walgett North was too expensive to allow profitable settlement. The Amendment offered the opportunity to resume cheaper land.¹⁹⁶ Dunn argued that the possibility of resumptions would not affect lease security. He claimed the market value of leases in Walgett North was from fifty to 100 per cent more than in 1918, although the leases

¹⁹¹ Ibid., p. 331.

¹⁹² *Pastoral Review*, April 1927, p. 331.

¹⁹³ *Pastoral Review*, September 1927, pp. 827-8.

¹⁹⁴ *Report of the Western Land Board, 1927*, NSW PP, 1927, Vol. 1, p. 31; NSW PD, Vol. 109, 27/1/1927, p. 654, and Western Lands (Amendment) Act, 1927, s 3.

¹⁹⁵ NSW PD, Vol. 109, 27/1/1927, p. 654.

¹⁹⁶ Ibid., pp. 655-6.

were subject to resumptions and closer to expiry.¹⁹⁷ This may have been because they were located in a good area and because the Western Land Board made it clear in the 1919 enquiry that it was not worth the expense of resuming them. The possibility that land elsewhere in the Division may have been as overpriced as at Walgett North relative to its 'real worth' (even if it was cheaper in absolute terms) was not raised.

In keeping with the wide support for breaking up Western Lands Leases for settlement, the Opposition promised to support the Bill. Thomas Bavin, leader of the Nationalists said:

With the Minister's object in introducing this bill, I think everyone in this House will be in agreement. We are all anxious that land suitable for settlement . . . should be used in that way, and . . . we will do anything we can to help the Minister to carry out that object.¹⁹⁸

Bavin argued, however, that if railways were the reason that more settlement was possible, the Bill should be restricted to areas of the Western Division served by lines.¹⁹⁹ He argued that the threat of resumption would decrease the security of leases even where close settlement was impossible. This would risk both the availability of finance and the willingness of lessees to risk it.²⁰⁰ The acceptance of the Bill by both sides of the House may also have reflected their faith in the Western Land Board who proposed the measure. The Board was praised by Dunn and Bavin for their efficiency. They were also supported by Mark Davidson and Edward Horsington, Labor representatives for the Western Division electorate of Sturt.²⁰¹

Davidson supported the Bill, but did not think it went far enough.²⁰² Davidson, foundation member of the Australian Workers' Union (Radi *et al.* 1979;69), was concerned that the larger estates were hindering settlement and did not make optimum use of the land. He denied they had pioneered the land "they just used it for sheep walks". This made their occupation less legitimate to him. Davidson was particularly incensed by the extent and use of Kidman's holdings. He claimed Kidman neglected his improvements and under-utilised the land: "He just holds the country for the purpose of using it occasionally for stock routes." He thought the Bill should stop largeholders getting more land.²⁰³

Davidson received frequent pleas for land in the Western Division which were forwarded to the Western Land Board. He seems to have had a good relationship with Hugh Langwell, past unionist, whom he sometimes addressed in official correspondence as "Hughie". The appointment of a unionist to the Western Land Board in 1901 probably unintentionally served the practical purpose of smoothing relationships with Labor Members of Parliament from the Western Division under constant pressure from land seekers.

¹⁹⁷ Ibid., p. 681.

¹⁹⁸ Ibid., p. 658.

¹⁹⁹ Ibid., pp. 658-9.

²⁰⁰ Ibid., pp. 659-61.

²⁰¹ Ibid., pp. 663 and 672.

²⁰² Ibid., p. 666.

²⁰³ Ibid.

Doe, also representing Sturt, supported the Bill, but with a warning. He foresaw the possibility of a return to the conditions of the turn of the century in areas away from railways.

I hope that nothing will be done which will cause a reversion to the conditions which prevailed prior to the . . . Western Lands Act. Particularly under existing conditions, with wool at comparatively high prices, there is just a possibility of that being done through areas being made too small, as quite a number of people want to become squatters.²⁰⁴

5.10 THE INCORPORATION OF THE WEST

The understanding of the relationship between pastoralism and the environment in the Western Division, so strongly accepted and articulated at the beginning of the twentieth century, dissipated. It did not disappear altogether so much as fade into the background. The understanding highlighted the uniqueness of the West in New South Wales and its need for unique management. But the Division quickly ceased to be seen as an exceptional part of New South Wales. The concept of a unique Western Division became wan outside the context of urgency and crisis in which it developed. The Western Land Board, so central to the public management of the Western Division, lost sight of some of the understanding of the West that its own existence was based upon. The Board released land it knew to be marginal in marginal areas. It released land that it acknowledged could only be released in good seasons. The Board faced political and popular pressures in a State where the problems of the West were in the distant past. The Western Land Board itself could not be divorced from the values and expectations of the State. In short, there was a tacit agreement that the West was no longer the same place that it was in 1901.

The Western Division had become more fully incorporated into New South Wales. The vigorous promotion of settlement in the Western Division reflected strong prevailing values in New South Wales. The Government's preoccupation changed from maintaining to promoting settlement. The land had to be properly used to be properly owned in the eyes of the Government and people of New South Wales. Proper utilisation in the Western Division, as elsewhere in New South Wales, meant the intensification of settlement and the development of improvements. The Government wished to assert interests in the Western Division that were based on these notions. The Western Land Board also reflected these beliefs. The Western Division was the public estate and landuse and settlement that did not reflect these perspectives was unpopular and opposed.

With its incorporation, the long-term and cautious perspective of the West that was central to the understanding encapsulated in the Royal Commission into the Condition of the Crown Tenants was lost. Similarly, the intention that leases be closely supervised because of the particular demands of the western environment lapsed. In a State where such supervision conflicted with prevalent ideas of possession, its legitimacy was lost unless there was some significant threat to lessees, like dogs. The

204 Ibid., p. 667.

Western Land Board wished to relieve lessees of harassing conditions that would limit development. The growth of pasture in the Western Division is highly variable and the consequences of this variability to pastoralism are exacerbated by its marginal environment. To a large extent this was forgotten or ignored and the condition of the West at a particular moment was perceived to reflect the nature of the Western Division. Maintaining the idea of the Western Division as a unique place was difficult.

Competition over rights to possess the West re-emerged. Some interests in the West lapsed at the beginning of the twentieth century. The demand for closer settlement was seen to be impractical. But soon the push for "more and smaller" began anew. Similarly, some of the strong informal rights of possession that had developed among lessees in the nineteenth century had been sacrificed or traded in 1900 and 1901 in return for assistance and concessions from the State. But lessees reasserted their autonomy and it was conceded. The Western Division was to be possessed. The competing interests in the Division were not wholly in conflict. There was substantial agreement about the way the Division should be managed. Pastoralists' organisations admitted the validity and even desirability of closer settlement. There was wide agreement that Kidman's landuse was inappropriate.

Kidman's holdings were a microcosm (if millions of acres can be so called) of the Western Division. Kidman's holdings were seen to threaten the interests of the State. They were very extensive, employed relatively few, and improvements and pest control were seen to be neglected. His legal right to the land was insufficient: his landuse was widely considered illegitimate. It went against the accepted precepts of land ownership which encompassed the development of the land. There were informal obligations on landholders of the West, just as there were informal rights. These ideas of development were held by pastoralists of the Western Division as well as the Government. Kidman was opposed by other pastoralists and in Parliament, often passionately. Yet his rights to the land ensured he kept his interests in it even when his occupation was widely seen to be illegitimate. The balance of rights to the West was to change even further in the 1930s as the incorporation of the West continued.

CHAPTER SIX

REASSESSMENT AND RECOMMITMENT

6.1 CRISIS AGAIN

By the 1930s drought, depression, the problems of expiring leases, the deterioration of the physical environment and continuing pressure to release land for settlement led to another reassessment of the place of the public estate of the Western Division in New South Wales. This occurred through a lengthy legislative tussle. The 1930s were attended by many of the environmental problems of the 1890s. There was anxiety over soil erosion and the degradation and destruction of native vegetation. There was the Great Depression. In many ways there was a return to the conditions of the 1890s. The problems of destocking and overstocking remained. Pests – plant and animal – were a constant threat. Many lessees, including some who had been granted leases after 1901, needed more land to survive. There were not, though, the same enormous debts. Western Lands Leases were due to expire in 1943, or shortly after, and lessees demanded that their future be clarified. Finance, pastoralists said, was difficult to attract on the security of leases with short and declining terms. It was claimed that the unsure future of leases removed lessees' incentive to maintain improvements and the productive capacity of the land. At the same time the push for closer settlement in New South Wales and the Western Division continued. The great public estate of the Western Division continued to be seen by many to be monopolised. The Labor Party attacked the perceived privilege of the large western lessees with new vigour. The rights of the State and lessees over the Division were renegotiated.

The basic rights of pastoralists to their land was never threatened. A substantial consensus underlay a debate gaudily iced with rhetoric. The desirability of closer settlement, in some form, was acknowledged by all sides of politics, the Western Land Board, and even pastoralists' organisations. Lessees, realising the political realities, and themselves part of a society dedicated to progress through settlement, accepted that some of their leases should be resumed. The primary need for more land for those with insufficient areas was recognised again. There was also agreement in Parliament that lessees be compensated for any resumptions made although this reduced the capacity of the Government to withdraw land. In 1901 leases had been extended until about 1943 and this contract was inviolable. Some in the Labor Party suggested that leases be allowed to expire in 1943 because they would then be totally at the disposal of the Government. But fears of what would happen in their last years: neglect of improvements and the resurgence of ever threatening environmental menaces as well as the respect for the lessees' informal rights made this a minority opinion. In the early 1930s monetary compensation for the withdrawal of land from

leases was still judged to be too costly. Instead, lessees were compensated by extensions to the terms of their leases. Thus, in times when compulsory resumptions from freehold land were accepted, the leases of the Western Division survived.

In the same period great deficiencies in the management of the Western Division were uncovered and the Board's attempts to promote agricultural settlement failed. The Western Land Commissioners had proved incompetent and had not properly policed leases. They had not provided more land to needy lessees. The Western Land Board had neglected to manage the Western Division as it was chartered to do. Partly because of its failures, the Western Land Board was politicised, losing its independence. Pressed to settle the West but hindered by the difficulties of withdrawing land from large leases, the Western Land Board tried to establish small agricultural settlement. Irrigation promised land for many without the need to resume large areas. The Board was encouraged by widespread optimism over the capacity of irrigation to transform the land. The Board's main project, Benanee, was spectacularly, but tragically, unsuccessful. The tough conditions of the 1930s, together with poor planning and management, quickly destroyed the scheme. But these were not just failures of the Western Land Board. They represented a much wider and deeper inability of the State of New South Wales to come to terms with its marginal West.

In the 1930s the idea of environmental crisis burgeoned again in New South Wales. This concern was based on growing international concern about the consequences of European landuse and desertification as well as on conditions in New South Wales itself. The Western Division became a focus of this concern in New South Wales. Efforts to better understand the ecology of semi-arid and arid grazing began anew. They continue. The Soil Conservation Service of New South Wales was formed and in the Western Division was to assume some of the roles that the Western Land Board was supposed to fill after 1901. In the 1930s the Royal Commission of 1901 was often recalled with admiration. The knowledge about the environment of the Western Division and the shortcomings of European landuse that it encapsulated was not superseded in the 1930s – it was dusted off and given new attention. Yet, despite this recognition, the environment did not figure in a sophisticated way in parliamentary debate on the West.

6.2 THE WEST IN THE 1930s

By the early 1930s, the condition of the pastoral industry in the Western Division had deteriorated. Figure 2.2 shows that in Ivanhoe, Menindee and Wilcannia the 1930s, and much of the 1940s, were exceptionally dry. It was a long period where rainfall was much below the long-term expectation. In terms of rainfall alone, this drought seems to have been comparable with that of 1901 and, moreover, it followed a long period where rainfall was below average. There were, though, some periods of good rain in the 1930s in Menindee and Wilcannia and stock numbers remained relatively stable. In 1930 the President of the Graziers' Association reported bad conditions over most of the Western Division and depressed wool prices.¹ Like the

¹ *New South Wales Graziers' Annual*, 1930, p. 19.

1890s, depression accompanied drought. In January 1930, the Milparinka Pastures Protection Board requested that all Boards in the Western Division ask the Minister for Lands to reduce rents for at least three years because of losses from the drought and general depression. The Board claimed that flocks had been reduced to about one-fifth in most cases and that much more assistance was needed if the lessees were to survive.² In 1933 the Western Land Board reported heavy losses of stock throughout the Division and that rabbits had destroyed much edible scrub before they had been checked by dry conditions.³ The *Pastoral Review* paralleled conditions in 1934 with those in 1901, suggesting there had been permanent degradation and that small settlement in the West was clearly inappropriate:

Owing to heavy stocking, a poor rainfall and the visitation of rabbits, the country has never recovered its original carrying capacity. Most of the good grasses and nutritious shrubs like saltbush, &c., have all been destroyed, even the roots being eaten out by the rabbits long ago, and consequently the surface of the land has been blown away and it is not an uncommon thing for fences to be buried and tanks filled up with volumes of sand by the prolonged standstorms [sic] which occasionally visit the division. It is nothing less than cruelty to allow small settlers with limited means available . . . to waste their substance and energies in that part of the State, for it is simply courting disaster and bitter disappointment.⁴

Figure 6.1 shows Old Galah, a station in the Central Division east of the Hay North Land District, in 1937 – pastureless.

A 'Special Commissioner' of the *Sydney Morning Herald* travelled throughout the Western Division in 1930 to report on its condition. The report recalled Millen's articles written thirty years previously and was a somewhat self-conscious and wan imitator of them. The 'Special Commissioner' was an advocate for a 1930 Bill introduced by the Nationalist - Country Party alliance (considered below). Mark Davidson, the Labor Member for Cobar, derisively identified the 'Special Commissioner' in Parliament as a staff reporter for the *Herald* with no rural experience.⁵ However the description of the West was endorsed by McMaster ('Special Commissioner' 1930;2). The report described the return of crisis to the West:

Over vast stretches of country the sandy soil, not held as in good seasons by the roots of grasses and bushes, has been swept away by the wind, which has . . . left a clayey hardpan as bare as a city road (1930;11-2).

The drifting sandy soil was destroying improvements: burying fences and sheeyards, and filling large tanks. Excessive debts generated through overinvestment were a risk (1930;13). There was a need for "long range" management of western leases (1930;15). All settlers were suffering, particularly smaller lessees (1930;20).

2 SANSW, WLC, *Correspondence*, 10/43617, 30/695, letter, Milparinka Pastures Protection Board to E.M. Horsington, MLA, 4/1/1930.

3 *Report of the Western Land Board, 1933*, NSW PP, 1933-34, pp. 18-9.

4 *Pastoral Review*, June 1934, pp. 592-3.

5 NSW PD, Vol. 124, 10/2/1931, p. 1151.



Figure 6.1 Feeding and watering sheep on Old Galah station in the Central Division, east of the Hay North Land District, in 1937.⁶

⁶ State Library of New South Wales, At Work and Play image archive, Image No. 06666.

In 1933 the Western Land Board received many requests for extensions of time to pay rent. Some extensions were given and some interest payments on late rents were remitted. Annual payments of about £120,000 were due for rents on Western Division leases. In July 1933 arrears totalled about £47,000. This was reduced to £32,000 by June 1934 but many lessees remained heavily indebted.⁷ In 1932 the Commissioners rejected a suggestion by the Secretary of the Board that ten shillings be charged for applications for tenant-right because lessees were already finding it difficult to meet their Crown dues.⁸ The *Pastoral Review* claimed wool prices were the same as they were twenty-eight years before and that station costs in the Western Division were more than fifty per cent higher.⁹

The bad conditions affected small settlers in particular. The Western Land Commissioners reported in 1931 that, despite very good rainfall and abundant feed, many smaller lessees were so heavily indebted to banks, wool firms and storekeepers that it was doubtful they would be able to keep their properties.¹⁰ Four lessees from the Hillston area wrote to the Minister for Lands in January 1930. They had been given blocks of about 8,000 acres each as returned soldiers. Each block included a stock-route covering about 2,500 acres, along which they estimated about 400,000 sheep had travelled in the past year. They claimed that for the previous three years their blocks would not have carried 800 sheep without supplementary feeding and to survive they needed between 4,000 and 5,000 acres more land.¹¹ But the Western Land Board had none.¹² Following a meeting of small settlers in Pooncarie (on the Darling) in August 1931, a letter was sent to the Minister for Lands asking for debt and other relief. Without this, it was asserted, some settlers would abandon their holdings.¹³ Yet the Western Land Board received many applications for land in 1931.¹⁴

By the 1930s, the associations representing pastoral interests in the Western Division were highly organised, both internally and in their cooperation with each other. The Western Lessees' Association, the Graziers' Association of New South Wales, the Pastoralists' Association of the West Darling and the Pastoralists' Union of Southern Riverina coordinated their responses to important matters affecting pastoralism in the Division. The associations routinely exchanged correspondence on a wide range of matters. The Graziers' Association resolved in 1930 to invite delegates of the Southern Riverina and West Darling associations to its annual conferences.¹⁵ It agreed to cooperate with the Western Lessees' Association in every possible way where they were in accord with their general policy.¹⁶ The constitution

7 *Report of the Western Land Board, 1934*, NSW PP, 1934, Vol. 2, p. 19.

8 SANSW, WLC, *Correspondence*, 8/1070A, 32/6689, 27/9/1932.

9 *Pastoral Review*, September 1932, p. 829.

10 *Report of the Western Land Board, 1931*, NSW PP, 1930-31-32, Vol. 2, p. 19.

11 SANSW, WLC, *Correspondence*, 10/43617, 30/1142, letter, 18/1/1930.

12 SANSW, WLC, *Correspondence*, 10/43617, 30/1142, response of Commissioners through E.A. Buttenshaw MLA, 13/2/1920.

13 SANSW, WLC, *Correspondence*, 8/1065B, 31/11061, 9/12/1931.

14 See for example SANSW, WLC, *Correspondence*, 8/1064A.

15 *New South Wales Graziers' Annual, 1930*, p. 28.

16 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/292, EA104, letter, GANSW to Secretary, Western Lessees' Association, 29/4/1932.

and rules of the Western Lessees' Association from about 1930 provided for membership to anyone directly or indirectly interested in pastoralism or agriculture in the Western Division.¹⁷ It did not have the influence of the Graziers' Association, but usually responded quickly to matters affecting lessees. There were frequent suggestions that the associations merge in some form in the 1930s.¹⁸ But they maintained their independence. This reflected the size and diversity of the Western Division. Lessees in the south remained closely attached to Victoria, both commercially and socially. Those west of the Darling kept close links with South Australia. An indication of the attachment felt to region rather than State in the 1930s was the 1931 resolution of the annual conference of the Graziers' Association in favour of the further subdivision of New South Wales under the federal constitution.¹⁹ At the same time the Graziers' Association was continuing to welcome smaller landholders although it kept a reputation for conservatism. The Graziers' Association remained a very influential organisation operating throughout the State. The Association was closely affiliated with the Progressive Party between 1918 and 1920. It had supported the Country Party since 1925.²⁰ The Association was vehemently opposed to Labor, and Jack Lang in particular.²¹ The 1930s, again like the 1890s, was a period of labour unrest and conflict in the struggling pastoral industry of the West (Tsokhas 1990).

The West was still a place inhabited by special people, and a place whose nature was unappreciated in the East. The 'Special Commissioner's' articles in the *Sydney Morning Herald* began with the statement that "To the residents of New South Wales east of the Dividing range the Western Division is practically an unknown land ('Special Commissioner' 1930;3)." The diversity of conditions in the West were also said to be unappreciated in Parliament. Many of the people of the West were described as the descendants of pioneers. They were the foundation stock of the community. "Isolation and a consequent sturdy self-dependence are common features (1930;4-5)."

6.3 RUCTION

Another Royal Commission

The management of the West as well as its environmental and economic condition was again causing concern. In response to allegations of maladministration, a Royal Commission was directed to report on the management, control and administration of the Western Division by the Western Land Board and on the conduct of the

17 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/254, KD4, "Constitution and Rules of the Western Lessees' Association of NSW".

18 See for example ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/292, EA104, letter, General Secretary, GANSW to President, GANSW, 15/4/32; and *GANSW Branch Minutes*, E256/1508, Merrowie Branch, 28/11/31 and E256/1505, Ivanhoe Branch, 1/2/1930.

19 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/273, GA33.

20 *New South Wales Graziers' Annual*, 1930, p. 166.

21 See for example *New South Wales Graziers' Annual*, 1931, p. 40.

Commissioners since 1923.²² The Royal Commission, appointed in May 1931, reported under Ernest Prior on 30 October 1931. At the time of the Commission, The Chief Commissioner of the Western Land Board was Hugh Langwell, a member of the first Board in 1902. He was appointed Chief Commissioner from 1 December 1922. George Australia Denning, formerly Secretary to the Western Land Board, was appointed Commissioner from 1 December 1922. Arthur Mullen, formerly a surveyor for the Board, was appointed Commissioner from January 1923.²³ Much of the evidence used in the Royal Commission was collected by G.F. Allman, Chief Inspector of the Department of Lands, on the direction of the Minister for Lands.

The Commissioners were found to have been negligent in their administration of the Western Division. Allman found an entire lack of system, practically chaos, in the Western Land Board administration.²⁴ Evidence was given of frequent and long delays, often of years, in the Board's management and administration of leases and other land. Loss of papers was a frequent excuse of the Commissioners.²⁵ Many of these delays seriously disadvantaged lessees. Delays of years were experienced by some landholders who needed more land and wanted to lease unused reserves. Often there was no objection to the requests but no action was taken by the Board. The Board had failed to reply to many letters, spread over about four years, from a settler whose water supply had been diverted from his lease. The Royal Commissioner commented that there were:

... numerous appeals from settlers struggling for an existence for themselves and their families in the arid Western Division, asking the Commissioners to do something to assist them in their difficulties of eking out an existence, or failing that, at least to answer their letters so that they may know their true positions. Such letters represent clearly the cry from the wilderness to the Commissioners which, in so many instances, remained unheeded by them. Upon reading them, one wonders how any one, with a knowledge of the ordeals endured by Western settlers, could ignore them to the degree the evidence discloses.²⁶

Their failures were many, but the abolition of the Western Land Board was not recommended. Allman found many instances where the Board did not record its decisions for months, even years, after cases were listed for hearing. The Royal Commissioner called this gross carelessness.²⁷ When leases expired under the Western Lands Act, improvements were to become the property of the Crown except where tenant-right had been approved on the recommendation of the Western Land Board. There were over 900 outstanding applications.²⁸ According to the Secretary of the Western Land Board, 2,100 leases were overdue for rent reappraisal. The leases covered fifty or sixty million acres and the task would take a year to complete. This

22 *Report of the Royal Commission of Inquiry into the Administration of the Western Division of New South Wales*, NSW PP, 1930-31-32, Vol. 1 (*Royal Commission into the Administration of the Western Division*), p. 1

23 *Ibid.*, p. 2.

24 *Ibid.*, p. 74.

25 *Ibid.*, p. 77.

26 *Ibid.*, p. 27.

27 *Ibid.*, pp. 36-8.

28 *Ibid.*, p. 34.

situation was found by Prior "to amount to sheer neglect of duty".²⁹ He thought, though, that the Board could operate more efficiently and recommended against Allman's advice that the administration of the Western Land Board be amalgamated with the Lands Department.³⁰

The resumption of land from the Canally holding was investigated. Under the Western Lands (Amendment) Act, 1927, leases could be resumed for settlement and the lessees compensated for the market value of the land for grazing purposes only. The Commissioners had withdrawn land from Canally, between the Murrumbidgee and Murray Rivers, for settlement, stating that the land was eminently suitable for mixed farming and that there would be a ready demand for the land. Yet the Western Land Board surveyor, d'Apice, had reported in August 1928 that he thought the area, some 44,000 acres, would carry 7,220 sheep, and with the treatment of the mallee and pine, 10,470 sheep.³¹ The Royal Commission found that the Commissioners seemed more confident about the carrying capacity of the area than the Closer Settlement Advisory Board. The Western Land Board was found to have paid too much for the resumed land – nearly twice the market value. The rent that would need to have been charged to settlers to recoup the cost of resumption was too high. The Commissioners had made a clearly insufficient inspection of the land. Finally, the Commissioners had acted improperly in recommending the resumption of Canally at all because there were large tracts of land already available in the Division, there was no demand for land in the West, and there was widespread concern over the future of rural properties.³²

The Board was found to have misled the Minister for Lands, Richard Ball, over the amount of small settlement in the Western Division and the area that could be withdrawn. The Commissioners had written to the Minister about the parlous state of the Division and the Minister responded by asking them to recommend amending legislation.³³ The Commissioners told the Minister that small settlement in the Division far exceeded the big settlement, while the contrary was the case. They had also intimated to the Minister that the area that could be withdrawn under the proposed Amendment was far below what they later admitted to be available.³⁴ The reason the Commissioners misled Ball is unclear. It may simply have been incompetence.

It was suggested, though not proved, that the Western Land Board failed to provide more land to needy settlers. It was found that a "vast amount of evidence" showed that many areas were available for withdrawal to provide additional areas to nearby needy settlers.³⁵ Areas in the Walgett North, Brewarrina, Hillston and Balranald districts were suitable. However the interpretation of the law and conflicting evidence

²⁹ Ibid., pp. 34-6.

³⁰ Ibid., p. 40.

³¹ Ibid., p. 41.

³² Ibid., p. 75.

³³ Ibid., p. 58.

³⁴ Ibid., p. 75.

³⁵ Ibid., p. 69.

prevented the Royal Commissioner from deciding if the Commissioners had taken proper steps in the public interest.³⁶

Extraordinarily, since 1906 the Western Land Board had, according to the Royal Commission, been working under the advice of the Crown Solicitor that land could not be withdrawn specifically to provide more land to needy settlers. Instead, land had to be withdrawn for small settlement generally and thrown open to general competition.³⁷ Yet the priority articulated so frequently around 1901 was that more land needed to be given to many settlers. Section 32 of the Western Lands Act, 1901, seems to have intended to make separate provision for land for needy settlers. Crick, touring the Western Division in 1902 to explain the Act, explicitly reassured lessees that existing lessees would be given additional areas before new settlers were provided with land.³⁸ Moreover the Crown Solicitor gave the opinion in 1903 that section 32 "... would seem to give a right to a person ... to obtain an additional area without being subject to competition."³⁹ The Western Land Board allowed the 1906 advice to determine its policy on land release to needy settlers for over twenty years. It did not, it seems, test the opinion or try to change the legislation even though it drafted Bills amending other elements of the Act. These factors combined suggest that the policy of the Board was the product of convenience as much as legal constraint. The 1906 opinion referred to in the Royal Commission could not be found. Both opinions were given by Hanbury Davies K.C.⁴⁰

The Royal Commission found that over a long period the Western Land Board had failed to ensure that lessees observe all the conditions attached to their leases.⁴¹ Several witnesses reported on the deteriorating state of improvements. The fences, tanks and buildings on Para and Avoca stations (on the Darling north of Wentworth) were described,

... as generally being in very bad order, some of the fences being drifted over by sand in many places. Many tanks were silted up, and at least one had entirely disappeared.⁴²

Commissioner Denning admitted Avoca and Para were in very bad order but he explained that there was a drought and the Board could not expect improvements to be put back into good order. The Secretary of the Western Land Board said that they knew improvements were deteriorating but they were uncertain of their powers and there were droughts throughout the Division in 1927, 1928, and 1929, so they took no action. Allman stated that improvements had been neglected to such an extent that new settlers would not take up new leases and face the expense of re-establishing them. The Commissioners had admitted to Allman that surveyors had no special

³⁶ Ibid., p. 70.

³⁷ An interpretation of the Western Lands Act, 1901, s 17.

³⁸ *Riverina Recorder*, 7/5/1902.

³⁹ SANSW, WLC, *Correspondence*, 10/43569, 03/918, 9/2/1903. The time limit imposed on those seeking additional areas in 1901 was removed by the Western Lands (Amendment) Act, 1905 (s 30).

⁴⁰ The later opinion seems to have been based on a conflict between the intention of s 32 and the practicalities of s 17 of the Western Lands Act, 1901.

⁴¹ Western Lands Act, 1901, Schedule A.

⁴² *Royal Commission into the Administration of the Western Division*, p. 71.

instructions to inspect improvements but were expected to exercise general supervision in the course of their duties. There were three field officers to cover the entire Division.⁴³

Mr. d'Apice, who was surveyor since the constitution of the Western Land Board and who was stationed at Cobar, said he never had any instructions to inspect improvements. His area was too large and he would not inspect without instructions specially to do so. Sand drift and bush fires make maintenance difficult, and it would need an army of inspectors to supervise the improvements throughout the west.⁴⁴

He did inspect improvements on new leases. It was found that the Commissioners did not claim that they had taken any steps to ensure that lessees observe the conditions and obligations attached to their tenures. This was endorsed by the Secretary of the Western Land Board.⁴⁵

The Royal Commissioner was not confident that lease conditions would be fulfilled without supervision.

It is palpable that unless compelled to do otherwise settlers will allow improvements to fall into disrepair, excepting where it is to their own interests to attend to them, and it is certain that in the declining years of a lease they will allow waste to set in.⁴⁶

It was found that the field staff of the Board had always been inadequate and needed strengthening. The inspectors were too busy to efficiently supervise improvements and it had been proved that for this reason improvements in many places had fallen badly into disrepair.⁴⁷ The Commissioners were found to have been incompetent although "the advanced years of these old Crown servants" had contributed to their failure.⁴⁸ No evidence was tendered that there had been any neglect to observe the requirement that noxious weeds be destroyed.⁴⁹ The Western Land Board surveyor Alan Lipscombe, based in Condobolin, at least, completed detailed reports on applications for tenant-rights in improvements for ringbarking. Lessees were often instructed to preserve windbreaks, useful timbers and fodder shrubs and trees.⁵⁰

The Western Land Board, despite the findings of the 1931 Royal Commission, seems to have been highly regarded. The Board did not seem to be seen as part of the problem of the West. In 1930 the Labor Member and past Minister for Agriculture, William Dunn, said they believed they honestly wanted to make more provision for new settlement.⁵¹ Richard Ball, the Nationalist said he had never heard anything

43 Ibid., pp. 70-1.

44 Ibid., p. 70.

45 Ibid., p. 71.

46 Ibid.

47 Ibid., p. 76.

48 Ibid., p. 78.

49 Ibid., p. 70.

50 SANSW, WLC, *District Surveyors' Reports 1915-1940*, Alan P. Lipscombe 1929-30, 8/1657. See for example "Application of tenant right in improvements. W.H.G. Hudson, 30/7/1930" and "Application for permission to ringbark, F. Cannon, 27/4/1931".

51 NSW PD, Vol. 121, 25/3/1930, p. 4066.

derogatory about their administration.⁵² The Commissioners received support during the Royal Commission. The Balranald Pastures Protection Board wrote to the Board expressing their confidence in them. Similar letters were received from the Cobar Pastures Protection Board and the Pastoralists' Association of the West Darling.⁵³ On the completion of the Royal Commission a meeting of delegates from the Bourke, Cobar, Wentworth, Milparinka, Mount Hope, Merrowie, Broken Hill and Balranald branches of the Western Lessees' Association proposed that the "retired" Western Land Commissioners (they were actually dismissed) should be compensated on removal from office.⁵⁴ Dan Dowling, Chairman of the Western Lessees' Association, claimed that the "terminated" Commissioners had the confidence of all lessees and that their thorough knowledge of western conditions would be missed.⁵⁵ The Committee of the Ivanhoe Branch of the Graziers' Association was "perfectly happy" with the Commissioners and said that an independent board of three was absolutely essential for proper administration.⁵⁶

The Battle for the West

A bitter battle was fought in Parliament over rights to possess the West between 1930 and 1934 as the term of leases issued under the 1901 Act drew to a close. After the defeat of Labor in 1927, Government was held by a Nationalist - Country Party alliance led by Thomas Bavin. The Country Party was led by E.A. Buttenshaw (Radi *et al.* 1979;15 and McCarthy 1979;214-6). Buttenshaw represented the Seat of Lachlan between 1927 and 1938. He was an advocate of closer settlement and irrigation and was for many years a member of the Farmers and Settlers' Association, and its President in 1922-23 and 1925-26 (Kingston 1979;511-2). Richard Ball, Nationalist Member for Corowa, was Minister for Lands. He was associated with the Farmers and Settlers' Association. An Amendment to the Western Lands Act was passed in 1930 by Bavin's Nationalists.⁵⁷ The subsequent Lang Labor Government, which won office again in October 1930, repealed its main provisions in 1931.⁵⁸ Richard Ball correctly predicted that the 1930 Act would be re-enacted as soon as the people got the opportunity to deal with the Lang Government.⁵⁹ In 1932 and 1934, Acts were passed by the returned National - Country alliance which Lang, again in Opposition, threatened to severely review if returned to power.⁶⁰

By 1930 it was believed that the one-eighth withdrawals had been exhausted where they were suitable for settlement. No significant areas of land were due to become available until leases expired from 1943 to 1949. Between 1910 and 1930 the area held under Pastoral Lease under the Western Lands Act fell by about twenty-eight per cent, from 40,800,000 acres to 29,500,000 acres. The average area of Pastoral Leases

52 NSW PD, Vol. 124, 5/2/1931, p. 1099.

53 SANSW WLC, *Correspondence*, 8/1065B, 31/8778, 15/10/1931.

54 *Hillston Spectator*, 23/4/1932.

55 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E246/292, Chairman's address to the Western Lessees' Conference, 1932.

56 ANU NBAC, NSW Farmers' Association, *GANSW Branch Minutes*, E256/1505, Ivanhoe Branch, 3/6/33 and 4/11/33.

57 Western Lands (Amendment) Act, 1930.

58 Western Lands (Amendment) Act, 1931.

59 NSW PD, Vol. 124, 10/2/1931, p. 1102.

60 Western Lands (Amendment) Act, 1932, and Western Lands (Amendment) Act, 1934.

had declined by eighteen per cent, from 136,000 acres to 111,500 acres.⁶¹ But the demand for land for both new leases and additional areas continued. At the same time there were calls to extend the term of existing leases. The short tenure remaining, it was claimed, limited the ability of lessees to obtain finance. In the deteriorating pastoral condition this was badly needed. Ball proposed a measure similar in principal to the 1901 Act. Leases would be extended to give added security, but in return half their area was to be resumed progressively over a number of years. This was a cheaper option than compulsorily withdrawing land under the 1927 Act.

Pastoralists' associations in the Western Division influenced the formation of legislation under non-Labor Governments. Western lessees, faced with the prospect of losing part of their leases through resumptions, asked for an extension of their tenure and greater security over their homesteads. In 1930 the Graziers' Association asked that Western Division lessees be given the right to convert a living area into a perpetual lease that could carry 6,000 sheep in an average season in the western part of the Division.⁶² The Minister for Lands, Richard Ball, wrote to the Graziers' Association in early 1930, proposing a meeting of interested parties on 3 February 1930 to discuss a proposed Amendment to the Western Lands Act. He asked the Association to nominate between one and three people to attend. On 7 February 1930, the General Secretary of the Graziers' Association replied that he would be glad to arrange a small committee as soon as the amending Bill was made available.⁶³ A representative of AML & F, A.E. Bond, agreed to examine the proposed Bill with F.H. Tout, President of the Graziers' Association. Dan Dowling, President of the Western Lessees' Association, also examined the Bill.⁶⁴

Pastures Protection Boards overtly cooperated with pastoralists' associations lobbying for the interests of lessees in the Western Division. The Western Lessees' Association operated intermittently. Other associations represented only part of the Western Division or had duties elsewhere. Pastures Protection Boards operated throughout the Division and had a permanent infrastructure. Dan Dowling wrote to chairmen of Pastures Protection Boards in October 1929. He believed that the term of Western leases needed to be extended to preserve their value as security for finance. He stated that their position was hopeless without an extension and that most leases were not suitable for subdivision. He believed that some tangible proposition should be placed before the Minister for Lands and the Western Land Commissioners.

We would suggest that you and your directors should take the matter in hand – irrespective of your being officers of the Board – and call meetings of lessees of your district at an early date to discuss the matter . . .

Each Board was asked to appoint two delegates to a conference in Sydney. It was anticipated that an executive be elected at the conference to protect the interests of the

⁶¹ *Report of the Western Land Board, 1910*, NSW PP, 1910 (Second Session), Vol. 1, p. 75 and 1930, NSW PP, 1930-31-32, Vol. 1, p. 23.

⁶² *New South Wales Graziers' Annual, 1930*, p. 33.

⁶³ ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/254, KD4.

⁶⁴ ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/254, KD4, letter, AML & F to GANSW, 10/2/1930.

Western Division lessees. It was thought that the Commissioners would welcome suggestions from representatives of the whole Division.⁶⁵ A conference of Western Division Pastures Protection Boards, held at Bourke in April 1929 at the end of a conference of Western Division Pastures Protection Boards, resolved that lessees be allowed to convert a living area surrounding their homestead into a Homestead Selection capable of carrying at least 6,000 sheep in average seasons.⁶⁶ In 1929, the Pastures Protection Boards' Council of Advice was part of a deputation with representatives from the Graziers' Association, the Pastoralists' Association of West Darling and the Western Lessees' Association which presented this resolution to the Minister for Lands.⁶⁷ The *Western Grazier* reported in May 1931 that the President of the fourth annual conference of Western Division Pastures Protection Boards was openly critical of the Government, particularly its repeal of the 1930 Act.⁶⁸

Not surprisingly the Labor Party, on return to office in November 1930, proposed abolishing Pastures Protection Boards, a move which was widely opposed. Dunn, Minister for Agriculture, told the Graziers' Association that the proposed abolition had been a policy for many years and was prompted by Boards' unjust prosecutions over rabbit destruction.⁶⁹ The move was probably also related to the close cooperation of the Boards with conservative pastoralists' organisations who were staunch opponents of Labor. The *Hillston Spectator* argued in their defence that the Boards were democratic, efficient and allowed large and small stockowners to manage their own affairs. The personal and local knowledge of the Directors also allowed matters to be dealt with quickly and sympathetically.⁷⁰ The *Pastoral Review* supported the Boards for similar reasons.⁷¹ Tout, President of the Graziers' Association, strongly opposed their abolition.⁷² The *Western Grazier* published twenty-six reasons why they should not be abolished.⁷³ The fifth annual conference of Western Division Pastures Protection Boards asked that the Western Division be excluded if the Boards were abolished.⁷⁴ Thirty-six local committees of the Graziers' Association wrote letters defending the Boards.⁷⁵ The Boards were an important part of the management of the Western Division. The Western Land Board relied on them for advice. For example in 1935 the Western Land Board seemed to base its decisions on the

65 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/229, KD4, letter, Dan Dowling for the Western Lessees' Association to Chairman Cobar Pastures Protection Board, 7/10/1929.

66 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/229, KD14, letter, General Secretary, GANSW to Local Secretary, Collarenebri Branch, 11/6/1929.

67 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/229, KD14, "Deputation to Hon. Minister for Lands re: Western Lands Leases", 28/6/1929.

68 *Western Grazier*, 9/5/1931. As early as 1887, Stock and Pastures Protection Boards petitioned the Legislative Assembly in support of policy changes. See *The Rabbit Pest (Petition from the Stock and Pastures Protection Boards of the Colony)*, NSW PP (LAVP), 1887, Vol. 4.

69 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/184, KG1, letter, 17/11/1926.

70 *Hillston Spectator*, 19/3/1931.

71 *Pastoral Review*, January 1931, p. 4.

72 *Pastoral Review*, December 1931, p. 1168.

73 *Western Grazier*, 14/3/1931.

74 *Pastoral Review*, May 1932, p. 413.

75 ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/184 KG1.

revocation of reserves on the recommendations of the local Pastures Protection Board.⁷⁶

Pastoralists' associations shared a close understanding with the Western Land Commissioners. A joint meeting of the Graziers' Association and the Western Lessees' Association in April 1931, called to discuss future legislation in the Division, viewed "with apprehension the Minister's visit to the Western Division unaccompanied by the Western Lands Commissioners, in whose integrity, ability and knowledge of the Western Lands these Associations have every confidence".⁷⁷ The support was reciprocated. In February 1932 the General Secretary of the Graziers' Association told the Walgett and Collarenebri branches that he had been confidentially informed by Hugh Langwell, Chairman of the Western Land Board, that the Government either is or was proposing to negotiate with lessees in Walgett North to relinquish any previously unresumed one-eighths. He advised them not to relinquish any land by negotiation because subsequent legislation would probably further reduce their areas.⁷⁸

Thickening the political mire, the appointment of new Commissioners after the Royal Commission of 1931 was seen to politicise the Western Land Board. The Labor Cabinet dismissed Langwell, Denning and Mullen. In their place, P.M. McGirr (brother of the Minister for Local Government); T. Watson, a surveyor from Forbes; and W. Stagg, secretary of the Returned Soldiers' League, were appointed. McGirr was Chairman.⁷⁹ McGirr was reported to have said in 1933 that the only solution to the depression was to put men on the land. He was also reported to have said, extraordinarily, that the Board had been doing its best to get rid of an area of about 193,000 acres, but that it was difficult to get settlers to go on it as the land was inferior and without water.⁸⁰ The General Secretary of the Graziers' Association reported to the 1932 general meeting that although its local committees and other pastoralists' organisations in the Western Division had recommended people qualified by experience to serve on the Board, they were apparently not acceptable. A number of local committees had protested against the appointments.⁸¹ The *Pastoral Review* was less circumspect in its criticism:

There can be no doubt that these appointments are purely political and are in the nature of spoils to the victors. The suitability or capability of the men for the positions they have to fill, and the work they have to do, does not enter into the question.⁸²

⁷⁶ See for example SANSW, WLC, *Correspondence*, 10/43634, 35/1923, letter, Wentworth Pastures Protection Board to Western Land Commissioner, 15/2/35 and Western Lands Commission annotations.

⁷⁷ ANU NBAC, NSW Farmers' Association, *GANSW Branch Minutes*, E256/1504, Hillston Branch, 20/4/1931.

⁷⁸ ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/300, KD55, letter, 17/2/1932.

⁷⁹ *Pastoral Review*, January 1932, p. 4.

⁸⁰ *Hillston Spectator*, 12/4/1933.

⁸¹ *New South Wales Graziers' Annual*, 1932, p. 45.

⁸² *Pastoral Review*, January 1932, p. 4.

The *Review* criticised the Government for neglecting the suggestions and representations of pastoral organisations despite their knowledge.⁸³

The Western Lands (Amendment) Act, 1930, extended Western Lands Leases until 1968 in return for the withdrawal of about sixty-four per cent of leases over twenty-three years. One-eighth of leases could be withdrawn after eight years and another one-seventh after thirteen years. A further one-sixth and one-fifth could be withdrawn after eighteen and twenty-three years respectively. In the Walgett North Land District, the one-eighth withdrawal was to occur within a year.

Ball argued that his Bill would give necessary financial relief to established lessees and at the same time, he repeatedly stressed, would make more land available for settlement than was possible under the existing legislation. Ball emphasised the poor financial position of lessees and said that they had assured him that they could only carry on with better security of tenure. "The true position is that unless something is done to relieve the holders, the great majority of them will be obliged to abandon their leases."⁸⁴

The measure was considered by the Labor Opposition, reasonably, to be not only in favour of the largeholders but to have been formulated by them. William Scully, Labor Member for Namoi, claimed the Bill reproduced a proposition made to the Minister by a deputation of large landholders in the Division.⁸⁵ Ball denied that the Bill was the scheme put to him by the deputation.⁸⁶ As has been shown, they were certainly influential. Horsington, Labor Member for Sturt and a previous Minister for Lands, claimed that small settlers had been completely neglected in the framing of the Bill.⁸⁷

The Opposition argued that the Bill favoured the large landholders: it proposed to extend leases until 1968 – a valuable gift – and made one-eighths available too slowly. Half the leases of largeholders would remain secure. The Bill only provided for land to be released within eight years, except in Walgett North, despite the heavy demand for land for new and additional holdings. Lang suggested the Government was looking after its friends, the large pastoral interests.⁸⁸

Scully (Namoi) claimed that the residents of the Bourke, Walgett and Collarenebri areas opposed any lease extension. The land was wanted for the people.⁸⁹ Big companies were denying the livelihoods of hundreds of people who could be comfortably settled.⁹⁰ In February 1930 a public meeting in Walgett moved that extending large leases was:

⁸³ Ibid.

⁸⁴ NSW PD, Vol. 121, 25/3/1930, p. 4054.

⁸⁵ Ibid., pp. 4055 and 4067.

⁸⁶ Ibid., p. 4067.

⁸⁷ NSW PD, Vol. 121, 25/3/1930, p. 4071.

⁸⁸ Ibid., p. 4059.

⁸⁹ Ibid., p. 4067.

⁹⁰ Ibid., p. 4068.

... confiscation of the worst type; the land morally belongs to the large number of genuine land-seekers, who have for too long been deprived of their heritage, and who should automatically become possessed of their rights when the present term expires . . .⁹¹

The Opposition objected to the way large lessees used the land as well as the areas they held. Lang alleged that large companies made inadequate use of their land and paid nominal rents.⁹² He also objected to absentee landlords (the worst class of people) and particularly bitterly to foreign ownership of leases.⁹³ Dunn claimed that the holdings in the Western Division had not been improved in twenty years.⁹⁴ Scully too maintained that the large landholders did not maintain improvements and under-utilised the land.⁹⁵ Again, Kidman's holdings, "the Kidman blight", were a focus of criticism. Kidman was said by Horsington to hold 5,000,000 acres and that he stood to keep half this area under the Bill.⁹⁶ Scully saw the Amendment as part of a long line of legislation denying access to land from the "small man".

The compulsory resumption of leasehold land for settlement with monetary compensation was not seriously mooted by Government or Opposition. Extending existing leases seems to have been considered the only practical compensation for withdrawals. Compulsory, compensated resumption was thought prohibitively expensive. Ball stated bluntly: "But nobody would dream of compulsorily acquiring those leases and paying . . . for the unexpired portion of the term."⁹⁷ By compensating for the remaining thirteen years of the term of leases, the Government could have leased the land for a much longer period and charged accordingly. That this was not considered suggests that the market value of leases – the rate at which they would be compensated – was clearly excessive. The value of leases is likely to have been inflated by the expectation that they would be extended before they expired, making them more valuable than their thirteen year remainder would suggest. The disinclination to pay for resumptions also probably reflected the scarcity of finance available to the Government. It has not been possible to meaningfully measure the monetary value of leases through time because so much of the Division was held under leases that could be bought, sold, transferred and even subdivided privately.

Uncompensated resumptions were not mooted: they were perceived to be a breach of contract. The Labor Party, in this instance and when later in power, did not advocate uncompensated confiscation, although it was within the power of the State Government. The reason for this is unclear given their vehement objection to large landholders. In many quarters, the resumption of parts of large leases would have been politically popular, remembering that the Western Division was a Labor stronghold. In 1931 Labor repealed the 1930 Act, retrospectively cancelling extensions of leases to 1968. This suggests that it was not adverse to renegeing on formal agreements when it saw some wider interest.

⁹¹ *Sydney Morning Herald*, 6/2/1930, p. 9.

⁹² NSW PD, Vol. 121, 25/3/1930, p. 4059.

⁹³ *Ibid.*, p. 4060.

⁹⁴ *Ibid.*, p. 4063.

⁹⁵ *Ibid.*, p. 4068.

⁹⁶ *Ibid.*, pp. 4072-3.

⁹⁷ *Ibid.*, p. 4054.

Labor's Return

In the election of October 1930, the Labor Party under Jack Lang was convincingly returned to power with fifty-five per cent of the vote (Hughes and Graham 1968; 448-9). Bavin remained leader of the Nationals in Opposition until March 1932 (McCarthy 1979;214-6). John Tully was Minister for Lands under Lang. He represented Goulburn and owned a small grazing property in the district (Radi *et al.* 1979;278). Lang tried to obtain control of the Legislative Council in 1925 and 1931 (Radi 1977). He was not entirely successful but: "The Council had ceased to be a barrier against all that conservatives feared. It had become a House amenable to Lang's will." Lang did not have the full support of his own party which may have limited him as much as the Legislative Council (Radi 1977;118). Lang was dismissed from office in May 1932 over matters connected with his failure to pay interest, through the Commonwealth, to British bondholders (Ward 1977;164-71).

Labor, as promised, repealed the Western Lands (Amendment) Act, 1930. Tully reminded the House that Lang had warned Parliament and potential mortgagees that a Labor Government would repeal the Act.⁹⁸ Tully also told Parliament that on the eve of the last election Lang had stated:

I repeat the pledge which I made, and if the Labour Party is returned to power the Government will restore to the sons of Australian farmers their right to settle on the western lands.⁹⁹

On repeal, 2,224 approved extensions of leases to 1968 were cancelled.¹⁰⁰ Tully explained that Labor's new Bill was provisional. The Western Division needed to be classified before it could be definitely determined how it should be settled.¹⁰¹ Labor attributed their election victory partly to the settlement issue in the Western Division. Tully claimed that concern with the inequity of the 1930 Bill had led to Labor winning every Seat adjacent to the Western Division except the Lachlan (held by Buttenshaw).¹⁰² All the seats wholly within the Western Division were held by Labor.¹⁰³ Mark Davidson, Labor Member for Cobar, claimed that the results of the election in the Western Division and in adjacent areas was a mandate for the Government to repeal the Act.¹⁰⁴

The proposal to repeal the 1930 Act was condemned by pastoralists' groups. The *Pastoral Review* said it was futile and childish and borne largely from a desire to placate some of its supporters in western electorates.¹⁰⁵ A joint meeting of the Graziers' Association and the Western Lessees' Association resolved in April 1931 to ask Tully, optimistically, for concessions similar to those just repealed except that the first one-eighth be able to be withdrawn within a year. The motion was carried,

98 NSW PD, Vol. 124, 29/1/1931, p. 996.

99 Ibid., p. 997.

100 *Report of the Western Land Board, 1931*, NSW PP, 1930-31-32, Vol. 2, p. 19.

101 NSW PD, Vol. 124, 29/1/1931, p. 1000.

102 Ibid., pp. 1002-3.

103 NSW PD, Vol. 124, 5/2/1931, p. 1091.

104 NSW PD, Vol. 124, 10/2/1931, p. 1149.

105 *Pastoral Review*, February 1931, p. 203.

... in the belief that the Government recognising the sanctity of the existing contracts with Lessees will be able to frame a measure sufficiently attractive to induce an early surrender of the eighths referred to and to assist those already settled in the Western Division without a living area.¹⁰⁶

Tully visited Hillston where a deputation from the Western Lessees' Association asked that preferred access to withdrawn land be given to smallholders and that their areas be increased to support 6,000 sheep.¹⁰⁷ Tully said that priority would be given to providing more land to existing smallholders and a secure tenure but did not accept that 6,000 sheep were needed for a living area.¹⁰⁸

Tully's visit to the Western Division seems to have reinforced his awareness of the difficulties faced by its existing settlers. Tully told Parliament in April 1931 that he had found a great deal of discontent amongst smaller settlers.¹⁰⁹ He wrote to the Western Land Commissioners on 11 May 1931 asking that land be given to those with insufficient areas before it was used for original blocks.¹¹⁰ The newly appointed Commissioners agreed that additional areas should be a priority and asked that areas be set apart exclusively to provide more land for needy lessees.¹¹¹ As in 1901, a practical concern for additional areas was opposed to the rhetoric of more land for new settlers.

The basis of the repeal of the 1930 Act was that it did not do enough to make land held by large lessees available for smaller settlers. According to Davidson:

When the amending Act of 1930 was passed it not only took away the rights of the small settlers in the far west, but it also deprived the land-seekers of this State of their birth-right for at least a further forty or forty-eight years.¹¹²

Davidson claimed a number of petitions against the 1930 Act had been presented to the Nationals. He read from a letter commenting on a petition from "514 land-hungry, sun blistered, dust-born sons of the west".¹¹³ Ball argued in reply that the 1930 Act allowed settlers land which did not cost the Crown a penny. Also: "The Government and the Labour party have always recognised the principle of compensation in regard to land that has been taken from the owners in the Western Division elsewhere."¹¹⁴ He claimed that there was no doubt that many lessees would be forced to abandon their holdings before the first withdrawal in eight years would take place."¹¹⁵

It was also claimed that the 1930 Act did not provide enough land for additional areas. The 1930 Act only stipulated that the first one-eighths be withdrawn within

106 ANU NBAC, NSW Farmers' Association, *GANSW Branch Minutes*, E256/1504, Hillston Branch, 20/4/1931.

107 *Pastoral Review*, May 1931, p. 433.

108 *Ibid.*

109 NSW PD, Vol. 126, 29/4/1931, p. 2367.

110 SANSW, WLC, *Correspondence*, 8/1064B, 31/4372.

111 SANSW, WLC, *Correspondence*, 8/1064B, 31/4610, letter to Tully 5/2/1932.

112 NSW PD, Vol. 124, 10/2/1931, pp. 1151-2.

113 *Ibid.*, p. 1152.

114 NSW PD, Vol. 124, 5/2/1931, p. 1100.

115 NSW PD, Vol. 124, 29/1/1931, p. 998.

eight years except in Walgett North. This was considered insufficient. Tully claimed that about 250 holders occupied an area of about 50,000,000 acres whose average flock was about 23,000 sheep. The holders of 17,000,000 acres had an average flock of 3,728 sheep. The holders of 5,510,000 acres had an average flock of 1,906 sheep. The latter group were considerably short of a home maintenance area. Tully claimed some 29,000,000 acres would be needed to provide additional areas for existing holders.¹¹⁶

Owing to the greatly decreased price of wool, whatever chance they had before the decline, it would be utterly impossible for them to carry on under existing conditions or even under greatly improved conditions.¹¹⁷

It was also argued that the large leaseholders were under-utilising their land. Tully criticised them for their lack of improvements.¹¹⁸ Davidson said that the West had not made progress under the large landholders:

Any man who has travelled the western country knows that since the large lessees have been in control improvements have been allowed to fall into decay, tanks have silted up and fences have fallen down, and the ravages from vermin have been enormous.¹¹⁹

Finally, Labor objected that the 1930 Act provided large lessees with a valuable windfall. Under the Act lessees would be paid for all improvements on land withdrawn. Under the previous legislation, improvements were to revert to the Crown on expiry of leases unless tenant-right had been formally granted. These improvements were due to revert to the Crown only five years after the earliest withdrawals allowed under the new Act.¹²⁰

Buttenshaw, the sole representative of the Opposition from the Western Division, said he would oppose the Labor Bill at every opportunity.¹²¹ But his attack was general and lack-lustre. He defended the 1930 Act as fair to large and small landholders without mentioning the specific criticisms of Tully. Instead he claimed there were very few members of the Government able to cast an intelligent vote on the matter. Few Members knew anything at all about western conditions.¹²² He argued that the Amendment gave smaller settlers longer and more secure tenure and benefitted them as much as larger settlers.¹²³ He claimed that during the past three or four years settlers had more than they could do in trying to look after their stock without attending to improvements.¹²⁴ Not enough had been done to compensate those who opened up the West for their difficulties and sufferings over many years.¹²⁵

116 Ibid.

117 Ibid., p. 997.

118 Ibid., p. 1001.

119 NSW PD, Vol. 124, 10/2/1931, p. 1152.

120 NSW PD, Vol. 124, 29/1/1931. See Tully, pp. 999 and 1092 and Ball, p. 1101.

121 NSW PD, Vol. 124, 11/2/1931, pp. 1172-3.

122 Ibid., pp. 1174 and 1182.

123 Ibid., p. 1176.

124 Ibid., p. 1180.

125 Ibid., p. 1182.

In May 1931 the United Australia Party was formed which incorporated the National Party. In May 1932 the Governor dismissed Lang and commissioned Stevens of the United Australia Party to form Government. After the election of June 1932, Stevens formed Government in coalition with the United Country Party, led by M. Bruxner (Ward 1990;75-7). E.A. Buttenshaw was appointed Minister for Lands. The United Country Party and the policies of Buttenshaw, the local Member, were supported by the *Hillston Spectator*. His election promises were certainly generous¹²⁶ The *Hillston Spectator* found further evidence of the Stevens-Bruxner Government's determination to help settlers in their new Bill to amend the Western Lands Act.¹²⁷

In 1932 there was an exhaustive survey into Crown lands available for settlement. Buttenshaw reported that it was anticipated that 177,449 acres would be available by the end of 1932 and another 130,550 acres by the end of June 1933. The land was second and third class grazing country and the result was disappointing. Most had been extracted from Crown reserves. He is quoted:

It cannot, however, be overlooked that during the last few years the insistent demand for land has led to the reduction of public reservations to limits which are barely sufficient for public requirements, particularly in view of the recurring periods of drought, when heavy demands are made on public reserves by travelling and starving stock.¹²⁸

In 1932 Buttenshaw introduced a provisional measure to give lessees secure tenure over a living area and relief to those without a living area. One-eighth was to be immediately withdrawn from all leases that had not already been subject to a withdrawal. They were to be withdrawn in a way that would allow eighths from a number of leases to be combined to form one holding. The Bill also proposed that lessees be eligible for leases in perpetuity over living areas on the same terms that applied in the Central Division.¹²⁹ In this way lessees were able to secure a limited area out of their whole holding while retaining the rest (subject to withdrawals) under the existing provisions of the Western Lands Act. Home maintenance areas were defined by the Act as areas which would carry in average seasons and conditions enough stock to reasonably maintain an average family.¹³⁰ The Act tried to define the number of sheep which in particular circumstances would provide this livelihood. It was based on the carrying capacity of the land when reasonably improved and its distance from railway trucking yards. Where the average carrying capacity was one sheep to three acres or better, and within forty miles of a railway trucking yard, enough land to carry 3,500 sheep was deemed to be a "standard area". The number of sheep permitted increased progressively to 8,500 where the carrying capacity was less than one sheep to twelve acres. For leases more than forty miles from a railway trucking yard, an additional area was allowed depending on the distance. Buttenshaw said that he intended to introduce a Bill dealing comprehensively with the difficult

¹²⁶ *Hillston Spectator*, 9/6/1932.

¹²⁷ *Hillston Spectator*, 15/12/1932.

¹²⁸ *Pastoral Review*, October 1932, p. 933.

¹²⁹ NSW PD, Vol. 136, 8/12/1932, p. 2713.

¹³⁰ Western Lands (Amendment) Act, 1932, s 3.

matter of land settlement in the West in the next session. This would require contact with all settlers, large and small.¹³¹

The Bill was not strongly opposed though there were calls for financial assistance to small settlers. Davidson estimated half of small settlers had lost their stock and were broke and unable to restock.¹³² He even admitted that large companies, which, he said, had made millions of pounds out of the Western Division before 1929 had not made profits since.¹³³ Horsington pointed out that smaller settlers were already heavily indebted and he doubted that even with freehold that they would get more finance.¹³⁴

Buttenshaw faced a familiar and fundamental difficulty – a scarcity of available land. He believed that even if extensions were granted to lessees on the condition that they give up land immediately, there would not be enough land to give all lessees a living area let alone provide for new settlement. He consequently asked the House to make the proposed leases in perpetuity smaller than was previously proposed even though this was too small to run what had hitherto been regarded as a reasonable number of sheep.¹³⁵ He justified this, rather lamely, on the basis that the land might appreciate in value in the future.¹³⁶ Again, Buttenshaw did not suggest that any more than one-eighth be withdrawn from leases – that would be breaking the contract between leaseholders and the Crown.¹³⁷

The land situation became bleaker. The Western Land Commissioners wrote to Buttenshaw in March 1933 stating that it had been thought that withdrawing consolidated one-eighths would provide a very large area to give to small lessees "who have been continuously clamouring for increased areas for many years" but that this did not seem to be the case. This was because the standard living areas were more generous than previously adopted and this considerably reduced the area available for withdrawal. The Commissioners also anticipated that largeholders would subdivide and transfer land in living areas, pre-empting the Government making them available. They also anticipated that largeholders would divide leases into living areas and place each in the control of different companies of which they held the controlling interest. The Commissioners also warned the Minister that many smallholders were likely to make representations to him on his tour of the Division.¹³⁸ In 1933 there were many applications for additional areas.¹³⁹

A party of sixteen parliamentarians toured the Western Division in 1933 seeking information for a Bill to amend the Western Lands Act. The party received applications from settlers wanting their areas increased to home maintenance areas and settlers wanting immediate access to land. The *Hillston Spectator* reported that

131 NSW PD, Vol. 136, 8/12/1932, pp. 2711-2.

132 Ibid., p. 2720.

133 Ibid., p. 2719.

134 Ibid., p. 2724.

135 Ibid., p. 2712.

136 Ibid.

137 Ibid., p. 2713.

138 SANSW, WLC, *Correspondence*, 8/1070B, 33/3711, minute, 28/2/1933.

139 See for example SANSW, WLC, *Correspondence*, 8/1070B.

the tour was prompted by repeated requests from Pastures Protection Boards. It was generally agreed by those meeting the parliamentarians in Hillston that an area capable of carrying 5,000 sheep would constitute a home maintenance area on land within sixty miles of Hillston.¹⁴⁰ The 1933 annual conference of the Graziers' Association resolved only that minimum home maintenance area be large enough to run 4,000 sheep.¹⁴¹

6.4 THE 1934 AMENDMENT

The Amendment:

- Dissolved the Western Land Board of New South Wales.
- Appointed a single Western Land Commissioner to assume the duties of the Board and some extended powers.
- Established administrative districts and local land boards in the Western Division.
- Gave more powers to withdraw land held under lease.
- Extended the terms of some leases and restricted dealings in leases.

The Act gave lessees the opportunity to extend their leases in return for withdrawals of land, which were to be mostly made available to those needing additional areas. Leases were extended for twenty years in Walgett North and twenty-five years elsewhere (s 3). In return, one-quarter of leases was to be withdrawn within six months. A further sixth of the remaining area was able to be withdrawn within nine years (1943) and a further fifth within fourteen years. This totalled about sixty-two per cent of leases. The Act prohibited transfers of leases before the boundaries of the maximum withdrawable area were determined (s 5). Buttenshaw intended that nothing could defeat the right of the Minister to withdraw from a holding. Even if it were sold or subdivided, the area could still be resumed from the original area.¹⁴² The Minister had the power to set apart land specifically for additional areas or for new settlers but preference was to be given to those most in need of additional areas (s 8). The rent could not exceed the rate of 7d per sheep on the average carrying capacity of the land when reasonably improved as estimated by the Local Land Board. On reappraisal, which was to occur every ten years from 1943, rent could not be increased or decreased by more than twenty five per cent (s 6). The Minister could grant leases of Crown lands as leases in perpetuity or for any term up to 30 June 1973. Perpetual leases could not be granted to applicants with substantially more than a home maintenance area (s 8). The Amendment restricted any dealing in leases issued under the 1934 Act without the consent of the Minister (s 11). A condition of residence of five years was applied to leases issued under the Act.

The Act dissolved the Western Land Board. A single Commissioner was appointed to assume its powers (s 4). Two Local Land Boards were to be established in the Western Division. Each Local Land Board was to consist of a chairman and another government appointee. They were to sit in open court and had the powers of the Land

¹⁴⁰ *Hillston Spectator*, 12/4/1933.

¹⁴¹ *New South Wales Graziers' Annual*, 1933, p. 33.

¹⁴² NSW PD, Vol. 139, 17/5/1934, pp. 406-7.

Boards in the Central Division to summon and examine witnesses. There was the right of appeal to the Land and Valuation Court. The single Commissioner, together with the two chairmen of the Local Land Boards were known as the 'Western Land Commission' and operated in a broadly similar way to the old Western Land Board.

Buttenshaw's Bill was presented as a comprehensive measure both to help those in desperate need of an additional area and those waiting for land.¹⁴³ Buttenshaw stressed that he had lived near the border of the "great Western Division" for over thirty years and had represented a considerable area of the Division.¹⁴⁴ The most urgent problem was to build up the holdings of small settlers.¹⁴⁵ Buttenshaw noted that conditions in the Western Division were very similar to those faced at the time of the 1901 Royal Commission into the Condition of the Crown Tenants. He summarised its findings, considering the report an excellent one.¹⁴⁶ Buttenshaw described the Bill as the product of consultation and compromise between the Parliament, the administration of the Western Division and all classes of settler. It was based on an extensive tour of the Western Division by a number of parliamentarians and discussions with all classes of lessee and other people.¹⁴⁷ Appointing the Commissioner would be difficult. He would need to be acceptable to the smallholders as well as the largeholders.¹⁴⁸

Resuming land was not a right of Government but something to be negotiated with lessees. Despite the need for more land uncompensated resumptions, or resumptions with monetary compensation, were again not considered. The Bill was described by Buttenshaw as a compromise between small and large landholders. Buttenshaw implied that he was powerless to do more to make land available for settlement. "All I can say is that it is the best bargain I have been able to drive."¹⁴⁹ Buttenshaw claimed that tenants put on resumed areas would not return to the Government anything like the money spent on compensated resumptions. The only alternative was to bargain with the large landholders and give them something other than monetary compensation. Buttenshaw claimed that large and small landholders were consulted and it was unanimously decided that large landholders would give up a portion of their holdings in return for extended leases and some modified lease conditions.¹⁵⁰ The rights of the large landholders transcended any responsibility the Government may have felt to provide additional areas to lessees who all agreed were suffering on insufficient areas dispensed under past policies. This Act was yet another manifestation of the conflict between the settlement imperative and the *de facto* security of the leasehold tenure which had confronted governments since the earliest years of pastoral occupation. Again, Lang did not speak of reneging on leases, only taking advantage of their forthcoming expiration. Horsington alone argued that compensation for resumptions was expensive only because there was an expectation that leases would be extended, which raised their market value. He advocated a

¹⁴³ Ibid., p. 401.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., p. 402.

¹⁴⁶ Ibid., p. 413.

¹⁴⁷ Ibid., p. 402.

¹⁴⁸ Ibid., p. 412.

¹⁴⁹ Ibid., p. 406.

¹⁵⁰ Ibid., pp. 402 and 412.

definite declaration that leases would be allowed to lapse, which would decrease their value.¹⁵¹

The Bill was similar to the 1930 Act repealed by the Labor Government and was, predictably, bitterly opposed as an unnecessary measure to protect pastoralists' interests.¹⁵² Lang warned again that the measure would be reviewed by the next Labor Government.¹⁵³ Lang argued that the Bill gave large lessees a large financial gain. He argued that under existing legislation, one-eighth of leases could be withdrawn in that year. Western Lands Leases were due to expire about 1945, when all the land could be used for settlement.¹⁵⁴

Without this bill that dream of the western land seekers would come true in ten years' time, but, if this measure passes, they will have lived and died without this hope, so widely shared, being realised.¹⁵⁵

Lang called small leases "the western settlers' dole". Davidson alleged that the Commissioners (Labor appointees) were not squatters' men which was why the form of the administration was to be changed.¹⁵⁶

Buttenshaw's Bill was supported by pastoralists. The annual general meeting of the Western Lessees' Association claimed that the 1934 Amendment had been brought about mainly by the activities of the various branches of the Association.¹⁵⁷ The *Pastoral Review* supported Buttenshaw's Bill. It stressed the conditions that prevailed at the time of the 1901 Act which had almost led to the ruin of lessees. It thought the Royal Commission into the Western Division thorough and fair and as applicable as it was when it was first written. It stated that the Western Division was suitable only for grazing in large areas, heavy stocking was courting disaster, and its occupation should be left to those with the means to develop the country.¹⁵⁸

Under the Act, T.W. Irish was appointed Western Land Commissioner and S. Smith and A.A. Britton, Land Board Chairmen.¹⁵⁹ The reconstructed Board was similar to the old. There were still three Commissioners, but two were nominally Commissioners for the two Land Boards into which the Division was divided. Irish had been for some years chairman of the Local Land Board in the Hillston District. Britton was a returned soldier.¹⁶⁰ Irish toured the Western Division in 1934 and warned that if lessees did not extend their leases under the 1934 Act they ran the serious risk of receiving no consideration from whatever Government was in power when their leases expired from 1943 to 1949.¹⁶¹ During the year, thirty-eight blocks totalling 1,791,362 acres were disposed of. Some 905,500 acres of this were

151 Ibid., p. 431.

152 Ibid., p. 419.

153 Ibid., p. 425.

154 Ibid., p. 420. See also 23/5/1934, Davidson, pp. 529-30,

155 NSW PD, Vol. 139, 17/5/1934, p. 425.

156 Ibid., p. 423.

157 *Hillston Spectator*, 4/4/1935.

158 *Pastoral Review*, October 1934, p. 993.

159 *Hillston Spectator*, 28/2/1935.

160 *Hillston Spectator*, 25/10/1934.

161 *Pastoral Review*, October 1934, p. 993.

withdrawn from large holdings under the 1934 Amendment. Except for about 20,500 acres, the whole area was used for additional areas for settlers without a home maintenance area.¹⁶²

The proposal to abolish the Western Land Board in 1934 had been opposed by pastoral interests despite their opposition to the members of the Board appointed by Labor. It was resolved at the Graziers' Association annual conference in 1934 that the administration of the Western Lands Act be left in the hands of the Commission and not be placed in the hands of the Land Boards.¹⁶³ In November 1933, the Ivanhoe Local Committee of the Graziers' Association moved that the Board of three independent Commissioners was absolutely essential for the proper administration of the Western Lands Act. They were perfectly satisfied by the present personnel.¹⁶⁴

One of the wisest and most desirable provision of the Act was to vest control and administration in a board of three commissioners absolutely free from and unfettered by the interference of the Minister, and entirely outside political influence.¹⁶⁵

The *Pastoral Review* did not, however, oppose the abolition, but objected that the principal of the original Act in removing the administration as far as possible from political influence was being lost. It stated that too much power was vested in the Minister. The *Review* saw the acrimonious exchange of legislation as a demonstration of the risks of politicising land policy.¹⁶⁶

Propagating Farmers

While the Parliament was tussling over the possession of the West, the Western Land Board was trying to introduce small settlement. This was intended to be part of the solution to the problem of providing land. The main scheme, Benanee, was an abject failure. It was badly planned and carried out. It was also badly timed. This was the epitome of the attempt to incorporate the West into New South Wales. It was begun just before a return of economic and environmental crisis demanded another reassessment of the West. The nature and failure of the Benanee settlement is explained in Appendix Two, 'Propagating Farmers'. The Appendix also explains an abortive proposal to establish wheat farmers on a large area west of Hillston, the Wyangla scheme – another attempt to transform the West.

6.5 A CYCLE COMPLETED – RE-KNOWING THE WEST

In the 1930s there was a great and quick growth in concern about the deterioration of the physical environment in agricultural and grazing areas of New South Wales and calls for government action to help control the problem. This was again associated with drought, depression and the failure of small settlers. It was also connected with

¹⁶² *Report of the Western Lands Commissioner, 1935*, NSW PP, 1935-36, Vol. 1, p. 19.

¹⁶³ *New South Wales Graziers' Annual, 1934*, p. 44.

¹⁶⁴ ANU NBAC, NSW Farmers' Association, *GANSW Branch Minutes*, E256/1505, Ivanhoe Branch, 4/11/1933. See also motion on 10/3/1934.

¹⁶⁵ *Pastoral Review*, June 1934, p. 592.

¹⁶⁶ *Ibid.*, p. 593.

the writings of Griffith Taylor among others in the 1920s. The concern was shared by other States (See Powell 1988;155-60).¹⁶⁷ Particularly in 1935 and 1936, many articles discussing the decline in the physical environment, especially soils, began to appear in the Sydney and country press.¹⁶⁸ Comparisons with the United States were frequent. Dramatic reports about sand-storms in the western New South Wales were instrumental in creating a social climate that led to major government initiatives to combat soil erosion (Breckwoldt 1988;32). In 1935 provision for the control of soil erosion was incorporated into Crown Lands Acts and the Forestry Act (Breckwoldt 1988;33-5). The Department of Lands, Forestry Commission and Department of Agriculture were becoming active in soil conservation (Breckwoldt 1988;42-3). The threat of overstocking and soil erosion were raised in Federal Parliament.¹⁶⁹

The Graziers' Association of New South Wales developed a grave concern over soil erosion. Mention of soil erosion – like other elements of environmental degradation – was almost entirely absent from the proceedings of the annual conferences of the Graziers' Association until 1936 when it was resolved:

That this Conference evinces serious concern at the soil wastage in this State brought about by the reckless destruction of forest scrub and natural herbage in farming and pastoral areas and consequent erosion of soil by action of wind and rainfall, and urges the Governments, both Federal and State, to speed up their policies of re-forestation in suitable districts . . .¹⁷⁰

It was stressed that caution was needed to provide enough land for settlers on resumed areas to avoid the menace of overstocking. For the same reason, sufficient land needed to be left on leases subjected to resumptions.¹⁷¹ Although the Association favoured action to prevent soil erosion, it regarded the matter as a national one and was opposed to any tax being placed upon farmers or graziers to deal with it. In 1937 the President's address mentioned erosion for the first time. The causes of the problem were said to be unknown but "there is not the slightest doubt that the desert was pressing in ever closer and closer to our good pastoral areas". The solution was said to lie in the hands of the men on the land – but it was not suggested that they were responsible.¹⁷² The danger of reducing the area of holdings in lighter rainfall areas was stressed.¹⁷³ In 1939 the Graziers' Association asked the State Government to expedite the training of men in soil conservation and erosion control to advise primary producers.¹⁷⁴

Central to the growing concern over soil erosion was R.S. Clayton. Clayton was a Senior Experimentalist with the Department of Agriculture in 1930 (Breckwoldt 1988;24). His work on soil erosion and the publicity he generated influenced the appointment of a Cabinet Committee to consider soil erosion which included

¹⁶⁷ Powell also places this awareness in the context of debates of the 1920s.

¹⁶⁸ See for example cutting in ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/328, KO65 and E256/409, KO65.

¹⁶⁹ See for example Commonwealth of Australia PD, Vol. 152, 26/11/1936, Marwick, p. 2350.

¹⁷⁰ *New South Wales Graziers' Annual*, 1936, p. 191.

¹⁷¹ *Ibid.*

¹⁷² *New South Wales Graziers' Annual*, 1937, p. 23.

¹⁷³ *Ibid.*, p. 269.

¹⁷⁴ *New South Wales Graziers' Annual*, 1939, p. 229.

Buttenshaw (see for example Clayton 1931). The Committee appointed a sub-committee to advise on steps that needed to be immediately taken to combat soil erosion which became known as the Erosion Committee of which Clayton was a foundation member (Breckwoldt 1988;26). A Government conference on soil erosion was held in 1933 and attended by the Chairman of the Graziers' Association, by the President of the Farmers and Settlers' Association and by W. Stagg, from the Western Land Commission (Breckwoldt 1988;30).

By the 1930s, the scientific study of arid and semi-arid rangelands was firmly established in Australia. In 1925 a research station, Koonamore, was set up in north-east South Australia to study the growth and regeneration of vegetation in an area protected from grazing (Osborn 1925 and Osborn and Paltridge 1935). The station was located on chenopod shrubland and by 1935 it was found that regeneration of the perennial flora was a slow process, much influenced by recurring droughts. Rabbits were found to almost completely prevent the regrowth of woody perennials (Osborn and Paltridge 1935;426). The Council for Scientific and Industrial Research was formed in 1926, seeing the Commonwealth Government become involved in major agricultural research (Breckwoldt 1988;20-1). In 1931 the *Pastoral Review* published maps from the Meteorological Bureau showing the variability of rainfall throughout Australia (based on the coefficient of variation).¹⁷⁵ In the same year the Forestry Commission provided fodder trees, including saltbush, kurrajong, myall and mulga, at its Dubbo nursery for planting as a standby in times of drought. They were to be supplied free with a written undertaking that certain preparations and care would be provided.¹⁷⁶ In 1935, the Australian Agricultural Council recognised the need to combat the drift of soil in arid and semi-arid Australia and asked that the Council for Scientific and Industrial Research (precursor to the CSIRO) investigate the factors responsible for drift.¹⁷⁷ The Agricultural Council also sought research into plants suitable for introduction into semi-arid areas.¹⁷⁸ The Erosion Committee, appointed in 1935, was to investigate soil erosion throughout the State and conducted experiments in the Euston district to measure the rate of soil loss through wind erosion.¹⁷⁹ In 1936 the Committee was investigating wind erosion in the Broken Hill area, and attributed the loss of soil in windstorms mainly to overstocking and the removal of vegetation.¹⁸⁰ The Soil Conservation Act, 1938, specifically provided for research into soil conservation (s 6). In 1936 and 1937, F.N. Ratcliffe, working for the Council for Scientific and Industrial Research, wrote influential analyses of soil drift in South-Western Queensland and in arid areas of South Australia, warning of desertification (See also Ratcliffe 1938).

This was part of a wider, international questioning of consequences of agriculture and grazing in the Old World, and its future in the New. The concern was associated

¹⁷⁵ *Pastoral Review*, February 1931, pp. 146-7.

¹⁷⁶ *Pastoral Review*, May 1931, p. 434.

¹⁷⁷ ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/382, KO65, "Extract from the Summary of Decisions and Resolutions of the Australian Agricultural Council, Canberra, May 1935".

¹⁷⁸ ANU NBAC, NSW Farmers' Association, *GANSW Miscellaneous Correspondence*, E256/409, KL32, extract from Federal Hansard, 19/9/1936.

¹⁷⁹ *Sydney Morning Herald*, 7/10/1935, p. 9.

¹⁸⁰ *Sydney Morning Herald*, 22/4/1936, p. 13.

with severe drought and depression in the United States of America. The annual conference of Western Division Pastures Protection Board in 1938 was addressed by R.S. Clayton who had studied soil conservation in the United States and was influenced by its soil conservation movement (Breckwoldt 1988;24). Clayton spoke of the man-made deserts believed to exist in North Africa, the Middle East and Asia – deserts which he warned had destroyed civilisations. Soil erosion in the United States was claimed to be rapid and severe because of the climate and the pioneering methods. It was thought 50,000,000 acres had been destroyed and abandoned and another 50,000,000 were seriously eroded and on the point of abandonment. The American experience also contributed to a preoccupation with soil erosion in the 1930s in Southern Africa (Beinart 1984; 67-8). Clayton believed "The very ingenuity and energy brought to bear in pioneering the United States of America, South Africa and Australia are contributing factors in the rate of destruction."¹⁸¹ Ratcliffe seems to have been influenced by studies of desertification in Africa (Ratcliffe 1936;49 and 71). James Macdonald Holmes was also influenced by the international experience.

In Australia we have a young country and if we wish our occupation to be permanent so that a great nation can be established it is worth while to consider the history of similar countries elsewhere and profit from their experiences, while avoiding their mistakes in land utilisation (Holmes 1938;10).

The fear that land degradation was a threat to European occupation caused questioning of the bases and conduct of landuse in the Western Division and elsewhere. Grazing in the Division was once more under close scrutiny. Holmes, writing of the environmental problems of pastoralism in the Division wrote:

There is some blind groping for a philosophy of land, its most effective use and preservation for the nation, as well as for the individual: for an effective numerical population and for some idea of national cohesion and function.

He continued:

The new thought to-day about the West is that in determining the effective area allowances must be made not only for the **living standard** but also the preservation of the natural environment (soil and vegetation). A business man would maintain the asset of the original vegetation (1938;10).

Clayton told the conference of Western Division Pastures Protection Boards that the Western Division was under threat. He observed that native shrubs, grasses and trees had disappeared through overstocking by rabbits and sheep. Wind erosion had been promoted by pastoralism. He believed that if the West was to be preserved as a permanent asset and not destroyed outright by exploitation, the vegetation would need to be restored and stocking levels adjusted to keep in equilibrium with the protective vegetation cover. "Our destiny is wrapped up with the surface 6 inches of soil. It is necessary to turn from pioneering and exploitation to an era of conservation." Avoiding "erosion's worst evils" depended on how quickly erosion mitigation could be applied and extended.¹⁸² The conference was impressed. It resolved that the Government expedite the passage of the Soil Conservation Bill and that erosion

¹⁸¹ *Hillston Spectator*, 12/5/1938.

¹⁸² *Ibid*.

mitigation measures be applied to the Western Division as soon as possible. They asked that the Western Lands Act, in relation to timber destruction, be amended to conform to the principles embodied in the Soil Conservation Bill. An article in the *Pastoral Review* argued that overstocking, not drought, was the primary cause of the deterioration of native pastures. Rabbits had contributed to overstocking, but it had occurred even where rabbits did not flourish.¹⁸³ In 1931 the same pseudonymous author warned of the spread of desert in Queensland and South Australia through drift sand brought about mainly through overgrazing. Native plants were remarkably resistant to drought, but their destruction had led to drying of the soil and the removal of the protective vegetation which some of the best native grasses needed to germinate. Bare areas were often colonised by noxious weeds. Resting country in rotation was the only sure natural method of rejuvenating native pastures.¹⁸⁴

The Soil Conservation Service of New South Wales was established in 1938 but the Bill proposing the Service and elements of its operation were encumbered in similar ways as the Western Lands Acts and Board. Clayton was concerned lest soil conservation be tied to another Department where it could be forgotten or swamped by competing objectives (Breckwoldt 1988;41). He had earlier met with opposition in the Department of Agriculture who saw him as an opponent to the emphasis on production (Breckwoldt 1988;25-6). Bills to set up a Soil Conservation Service which included powers to compel landowners to control erosion were debated in Parliament in 1937 and 1938. The Labor Opposition was generally in favour of the measure. But the proposal faced objections from Government and Labor Members that it impinged on landowners and ran counter to the concept of freehold rights contrary to "the best traditions of a Government of British-thinking races" (Breckwoldt 1988;45-7). The provisions for compulsory erosion control became encumbered by appeal mechanisms and weakened by amendments so they became largely useless (Breckwoldt 1988;48-51). The Bill was passed in October 1938. It did, however, provide for regulations to prohibit the destruction of timber or scrub on any land held under any form of lease or license under any Act (s 33).

Much of the new interest in the degradation of the semi-arid and arid rangelands was a reawakening and rediscovery rather than a progression of environmental knowledge. Most of the concerns and prescriptions for change were basic to the Royal Commission of 1901 which reported in the light of the ideas of Turner and Millen, among others. Most of the 1930s commentary reflects the same tradition of knowledge that has been traced back to the nineteenth century. In the 1930s, insights into the problems faced in the Western Division were perhaps no more advanced than those in existence by 1901. In Parliament in the 1930s, the 1901 Royal Commission into the Conditions of the Crown Tenants was frequently referred to as a landmark document. No more sophisticated analysis of the social, economic and environmental difficulties encountered by pastoralism in the Western Division appeared in the 1930s. The understanding of the ecology of rangelands grazing did not appear to have changed since 1901.

¹⁸³ *Pastoral Review*, September 1934, p. 924.

¹⁸⁴ *Pastoral Review*, February 1931, pp. 144-5.

The level of knowledge about pastoralism in the Western Division was not a limiting factor in its management after 1901; rather it was the application of this knowledge. The deficiencies in public management and incompatibilities between pastoralism and the semi-arid and arid environment described in 1901 were identified again in the 1930s. The problems of the West were articulated with renewed energy. The extent to which this knowledge survived and was applied locally and by individuals in the Western Division is an important question, but not one within the scope of this study. Ratcliffe warned, with words relevant today, that the development of knowledge about pastoralism was not a panacea.

Science cannot prop up a policy that is essentially unsound. The botanist cannot, by discovering and disseminating improved and exotic pasture plants, transform a region subject to recurrent severe droughts into a safe pastoral area (Ratcliffe 1937;27).

Ratcliffe continued:

The role of the scientist in helping toward a solution of the problems of the arid and desert-marginal country would seem to be limited in practice, to acquiring accurate information on the nature and composition of the local pastures, the effects of stocking on the various components of the vegetation, and the regeneration of the more important fodder plants (1937;28).

There was a re-emergence and new articulation of environmental concerns. There were new instruments, such as the Soil Conservation Service, put in place.

Concern over the environment of the Western Division was more widely based in the 1930s than in 1901. At the turn of the century its problems were seen as important to the economy and settlement of New South Wales, but they were seen, as a rule, to be limited to the Division. In the 1930s, renewed concern over the Western Division was part of a much wider awareness of some of the consequences of European landuse in Australia and elsewhere. In the 1930s the Western Division began to represent what could happen to the whole State. The back-yard was under threat. Publications like those of Ratcliffe and studies such as those on Koonamore represent the beginning of modern attempts to improve the conduct of pastoralism through centrally organised and formalised scientific enquiry. The preservation of the natural environment was still seen very much in terms of the maintenance of productivity.

But the pressures for closer settlement did not decline during the 1930s. There continued to be many applicants for living areas in the Western Division.¹⁸⁵ It was again claimed that many of the applicants were speculators and those without experience in the West ('Special Commissioner' 1930;30). Labor candidates for seats in the State and Federal Parliaments representing the Hillston district stressed their enthusiasm for closer settlement. Jack Grace, State Labor candidate in 1938, said there was a vast army of unemployed and many country towns were stagnating and it was estimated that every settler established provided work for four other men. There were many experienced and knowledgeable men without access to land.¹⁸⁶ The

¹⁸⁵ See for example SANSW, WLC, *Correspondence*, 8/1070A.

¹⁸⁶ *Hillston Spectator*, 21/10/1937 and 17/3/1938.

Graziers' Association continued to support, in principle, closer settlement. Its President, addressing the 1936 and 1938 conferences, supported population growth for the prosperity and security it was believed to offer.¹⁸⁷ The 1936 annual conference resolved to support the Government in its campaign to bring about closer settlement and the 1938 conference declared the Association in favour of properly managed closer settlement in appropriate areas.¹⁸⁸ In 1937 the General Council of the Graziers' Association appointed a closer settlement committee which advocated voluntary private subdivision, seeing compulsory subdivision as a last resort.¹⁸⁹

More settlement was seen to be necessary for national security, and even here use and rightful possession of the land were one. The *Hillston Spectator* published an article from the *Central Western* of Parkes encouraging closer settlement for self preservation.

It is but natural that countries in which the population has outgrown its ability to accommodate it must look with envious eyes on countries with huge potentialities and small populations, and where no effort is being made to develop the potentialities or populate the vacant spaces.¹⁹⁰

The *Hillston Spectator*, agreed with the sentiment and quoted the President at the recent Graziers' Conference:

Throughout the world to-day there is a very acute recognition of the principle that a nation's right to occupy a country must be measured by the capacity to develop it. According to these standards, Australia can offer to an overcrowded world very little justification for its tenure of this great island continent . . .¹⁹¹

The belief that settlement could change the nature of the Western Division to the advantage of further settlement continued. Davidson thought it almost impossible to effectively manage large areas in the Far West mainly because of problems with vermin.¹⁹² Scully claimed that if the land was held under closer settlement the land could carry twice the number of stock. The Lachlan Shire Council wrote to Buttenshaw in December 1932 asking that land in the Western Division be made available for closer settlement as a way to control rabbits.¹⁹³ Ratcliffe provided a rare caution:

The policy of individual pastoralists . . . is very largely determined by the governmental policy in respect of land tenure and subdivision; and . . . a policy devised for areas capable of improvement . . . is almost certain to be unsuitable to regions where "improvement" adds nothing to the intrinsic value of the land, but merely means more efficient exploitation of the native vegetation, already demonstrably a depreciating asset (1937;28).

187 *New South Wales Graziers' Annual*, 1936, p. 24 and 1938, p. 29.

188 *New South Wales Graziers' Annual*, 1936, p. 190 and 1938, p. 229.

189 *New South Wales Graziers' Annual*, 1937, p. 32.

190 *Hillston Spectator*, 3/4/1936.

191 *Ibid.*

192 NSW PD, Vol. 136, 8/12/1936, p. 2717.

193 SANSW, WLC, *Correspondence*, 8/1069B, 33/966 and 32/10625, 14/12/1932.